

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

**THE TENNIS CHANNEL, INC.,**  
Complainant,

v.

**COMCAST CABLE COMMUNICATIONS, LLC,**  
Defendant.

File No. CSR-8258-P

TO: Chief, Media Bureau

**REPLY**

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4. Comcast Spotlight Advertisement, “No One Puts Sports Together Like We Do,” *Sports Business Journal* (Mar. 27-Apr. 2, 2006)
5. Linda Haugsted, “Sole Survivors: Independent Networks Find Ways To Stay Alive in Economic Downturn,” *Multichannel News* (Jan. 26, 2009)
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13. CNN/Sports Illustrated, “2000s: Top 20 Male Athletes” (last accessed Jan. 27, 2010)
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15. Bob Larson, “We Hear,” *Daily Tennis News* (Feb. 12, 2010)
16. DIRECTV, “English Packages” (last accessed Mar. 9, 2010)
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TO: Chief, Media Bureau

Comcast’s opposition to the Complaint is replete with incomplete and inaccurate assertions and *non sequiturs*—many of which have been rejected by the Commission in other proceedings, and others of which conflict with positions Comcast has taken outside this litigation. Thus, for example, in sales material aimed at the very advertisers for whom both Tennis Channel and Comcast’s Golf Channel compete, Comcast seeks to persuade advertisers that “[p]rofessional tennis is similar to the PGA in its appeal, lending itself . . . to dedicated

viewers with higher financial means, education and sophisticated lifestyles.”<sup>1</sup> In its opposition here, however, Comcast suggests that tennis and golf have little in common and that the leading golf and tennis networks—one affiliated with Comcast and the other unaffiliated—do not directly compete with each other for audiences or advertisers.

Comcast also argues that Tennis Channel can only succeed in this proceeding if it proves that it “uniquely” competes with Comcast’s networks, a standard that would essentially require that networks be competitively identical in all significant respects, such as in content and advertising strategy, before the Commission could make a finding of discrimination. The Media Bureau has rejected that proposed standard in the past, a fact that Comcast fails to mention.

Comcast implies that its discriminatory refusal to carry Tennis Channel in the same way that it carries its comparable affiliated networks results from unsubstantiated claims about bandwidth limitations. In a digital environment, such a claim is necessarily a cause for suspicion. Here, it is particularly untrustworthy, for Comcast simultaneously claims that it makes Tennis Channel “available” to nearly all its subscribers (if only they would pay extra), and therefore that it has sufficient bandwidth to satisfy any level of demand for Tennis Channel by its subscribers. Moreover, Comcast does not appear to take any alleged bandwidth limitations into account when providing broad distribution to networks in which it holds a financial interest, including those acquired recently and recently placed on tiers far more significantly penetrated than the sports tier on which Comcast carries Tennis Channel.

Ignoring its role as a market leader, Comcast points to the carriage decisions of other multichannel video programming distributors (“MVPDs”) as proof that its carriage decisions are objectively nondiscriminatory, but as its own expert points out, “[i]t is reasonable

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<sup>1</sup> Comcast Spotlight, “Sports—Pro Tennis,” at <http://www.comcastspotlight.com/sites/Default.aspx?pageid=9744&siteid=62&subnav=3> (last accessed Mar. 22, 2010), attached at Exh. 22.

for different MVPDs to come to different carriage decisions regarding [a network], depending on the MVPDs' business strategies, geographic territories, judgments about subscriber preferences, and the terms of their individual affiliation agreements.”<sup>2</sup> The Media Bureau has already recognized as much, responding to MVPD efforts to rely on the carriage decisions of other MVPDs by noting in another case that “the salient fact is that each owner of the cable-affiliated . . . network has refused to carry [the unaffiliated network], and a discrimination claim requires the Commission to assess why *these* cable operators have refused to carry [the unaffiliated network] but have decided to carry [the affiliated network].”<sup>3</sup> In any event, Comcast misstates the actual facts concerning other MVPDs' carriage decisions—including the decisions of some of the most relevant ones: major MVPDs that compete directly in Comcast markets, virtually all of whom carry Tennis Channel much more broadly than Comcast does. The fact remains that Comcast's persistent discrimination is egregious and patent, and it warrants Commission action without regard to how any other MVPD acts.

Comcast also suggests that it is insulated from Section 616 by virtue of its affiliation agreement with Tennis Channel. It argues that it is immunized from liability for its June 2009 termination of negotiations between the parties concerning the terms of carriage—the conduct that is the subject of Tennis Channel's Complaint—first, because

and,

second, because in its view the Commission's program carriage rules prohibit *any* complaint from being brought more than a year after a carriage agreement is executed. Comcast's contract-based theories, like its other approaches, would eliminate the possibility that Section 616 could

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<sup>2</sup> Answer Ex. 8, Decl. of Jonathan Orszag, at ¶ 15 [“Orszag Decl.”].

<sup>3</sup> *Herring Broad., Inc. v. Time Warner Cable Inc.*, et al., Mem. Op. & Hearing Designation Order, 23 FCC Rcd 14787, at ¶ 34, 45 (2008) (emphasis added) [hereinafter *Omnibus HDO*].

ever protect a programmer who faces discrimination *after* it has entered into a carriage agreement. Not surprisingly, the Media Bureau has already rejected such a theory in language unmentioned by Comcast: “Whether or not Comcast had the right to [make a particular tiering decision] pursuant to a private agreement is not relevant to the issue of whether doing so violated Section 616.”<sup>4</sup> Comcast’s manifestly discriminatory decision not to move Tennis Channel after negotiations that it admits took place in 2009<sup>5</sup> occurred less than a year before the Complaint here was filed. The Media Bureau has required nothing more,<sup>6</sup> and Comcast fails to address adequately that clearly articulated policy or its completely reasonable basis.

In the end, the facts that control the outcome of this case are undisputed: Tennis Channel is, for virtually all programming and competitive purposes and by virtually any objective measure, substantially similar to Comcast’s preferentially-treated sports channels. Comcast lacks any reason not based in discriminatory intent and affiliation for favoring its networks. And discrimination by the nation’s largest distributor necessarily and unreasonably restrains Tennis Channel’s ability to compete fairly, both in the overall cable market and specifically against Comcast’s favored and owned programming services.

## **II. COMCAST HAS FAILED TO REFUTE ANY OF THE ESSENTIAL FACTS CATEGORICALLY ESTABLISHING ITS DISCRIMINATION AGAINST TENNIS CHANNEL IN VIOLATION OF SECTION 616.**

1. Comcast offers a litany of justifications for its disparate treatment of Tennis Channel. None is sufficient to explain away its blatant discrimination.

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<sup>4</sup> *Omnibus HDO* ¶ 72.

<sup>5</sup> *See Answer* ¶¶ 22-25.

<sup>6</sup> *Omnibus HDO* ¶ 38; *see also id.* at ¶¶ 70, 105; 47 C.F.R. § 76.1302(f)(3).



**A. Tennis Channel Is for All Relevant Purposes Identical to Comcast's Affiliated Sports Networks.**

2. Tennis Channel is similarly situated with a number of Comcast-affiliated networks: most particularly the Golf Channel and Versus, which are wholly owned by Comcast's parent company and distributed to virtually all Comcast subscribers; but also the MLB Network, the NHL Network, and NBA TV, in which Comcast's parent has a direct or indirect financial interest and which are distributed to more Comcast digital subscribers than Tennis Channel; and the Comcast SportsNet channels, which Comcast's parent owns in whole or in part and which are distributed on the same broad tier as the Golf Channel and Versus.<sup>7</sup>

3. All of these networks are sports networks, and they are all nationally distributed.<sup>8</sup> The networks largely compete for the same viewers, advertisers, programming, and distribution fees, illustrating their close positioning in the market.<sup>9</sup> And the most comparable networks are Tennis Channel in audience popularity:

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<sup>7</sup> Complaint ¶¶ 22-24, 56-63.

<sup>8</sup> *Id.* ¶ 57. The Comcast SportsNets are nationally distributed in the aggregate, *id.*, and the Commission should treat them as a single network for the purpose of this analysis.

<sup>9</sup> *Id.* ¶¶ 58-60; *see also id.* ¶¶ 85-96.

<sup>10</sup> *Id.* ¶¶ 61-63. *See also, e.g., TCR Sports Broad. Holding, L.L.P. v. Time Warner Cable Inc.*, Order on Review, DA 08-2441, at ¶¶ 15, 29 (MB Oct. 30, 2008) [hereinafter *TCR*] (networks that both broadcast a substantial number of professional sports games and were "comparable in terms of demand" were similarly situated).

This conclusion is consistent with Comcast's economic expert's understanding of the term "similarly situated." Indeed, Mr. Orszag would find that networks are similarly situated if they compete in any of these ways: "[T]wo networks are 'similarly situated' if there is significant competition between the networks for viewers, advertisers, *or* programming carriage rights." Orszag Decl. ¶ 54 n.66 (emphasis added). Mr. Orszag further writes that Comcast would have an incentive to "discriminate against Tennis Channel in favor of its affiliated

4. Not surprisingly, Comcast is forced to concede key similarities: for instance, it has admitted that “[v]iewers of both Tennis Channel and Golf Channel are among the highest-income households, a coveted demographic among advertisers”; that “from time to time, Comcast-affiliated networks may cover tennis and carry World TeamTennis events”; and that “Tennis Channel, like all networks, competes generally with other networks for viewers, certain advertisers, and content.”<sup>11</sup> And when Comcast attempts to secure advertising, it asserts to the advertising community that “[p]rofessional tennis is similar to the PGA in its [viewer] appeal.”<sup>12</sup>

5. Despite these concessions, Comcast attempts to distinguish the Golf Channel and Versus by claiming that they do not compete “uniquely” with Tennis Channel.<sup>13</sup> Comcast does not define this concept, but it apparently would require the networks to compete *only* (“uniquely”) with each other and with no other network. This notion of “uniqueness” is wholly fabricated by Comcast and has no foundation in the statute, the rules, or Commission decisions. Comcast’s rule would limit the Commission to redressing grievances and rebalancing competitive inequities only where two services (one owned, one not) were, for all relevant purposes, clones—whereupon Comcast would no doubt argue that it would be inappropriate to require it to carry two such identical services when one would suffice.<sup>14</sup> There is no authority for

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networks . . . if [the affiliated networks] faced significant competition for viewers and advertisers from Tennis Channel and no other network (*or few other networks*).” Orszag Decl. ¶ 42 (emphasis added).

<sup>11</sup> Answer ¶ 99; *id.* at Responses to Numbered Paragraphs, ¶¶ 22, 60. Comcast offers only a passing distinction between Comcast SportsNet and Tennis Channel, and it does not even attempt to differentiate the MLB Network, the NHL Network, or NBA TV from Tennis Channel. Comcast thus offers no grounds for considering these networks to be dissimilar from Tennis Channel.

<sup>12</sup> Comcast Spotlight, “Sports—Pro Tennis,” *supra* note 1.

<sup>13</sup> Answer at 42.

<sup>14</sup> Comcast’s economist makes this point squarely, arguing that Section 616 does not limit Comcast’s ability to choose between two country music channels. Orszag Decl. ¶ 52. But even

the claim that networks must be “unique” competitors in order to be similarly situated, which is the relevant standard,<sup>15</sup> and the Media Bureau has explicitly held that a complainant is not required to “demonstrate that its programming is identical to an affiliated network.”<sup>16</sup> Comcast does not mention that holding in its efforts to show that Tennis Channel, the Golf Channel, and Versus do not compete within the meaning of Section 616. But Comcast’s various attempts to draw meaningful distinctions between its networks and Tennis Channel fall far short.

6. **Programming.** Comcast relies on supposed differences in the networks’ programming for the proposition that they do not compete and therefore are not similarly situated.<sup>17</sup> In fact, Comcast concedes core content similarities between its sports networks and Tennis Channel:

- Comcast admits that all three networks focus on sports content.<sup>18</sup>
- Comcast admits that “from time to time, Comcast-affiliated networks . . . cover tennis.”<sup>19</sup>

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in this context Comcast fails to acknowledge that it could not favor one of the music channels over the other on the ground of affiliation. *See* Reply Decl. of Hal Singer, attached at Exh. 2, at ¶ 17 (“Singer Supp. Decl.”).

<sup>15</sup> Even Comcast’s own economic expert, Jonathan Orszag, does not endorse a “unique competition” standard. *See* note 10, *supra*.

<sup>16</sup> *Omnibus HDO* ¶ 17, 27, 39, 51, 75.

<sup>17</sup> Answer ¶¶ 81-89.

<sup>18</sup> *Id.* at Responses to Numbered Paragraphs, ¶¶ 22-23.

<sup>19</sup> *Id.* at Responses to Numbered Paragraphs, ¶ 60. Comcast asserts that

- Comcast admits (in pronouncements outside this case) that tennis programming and golf programming share crucial similarities, and it discusses them jointly in its efforts to secure advertising.<sup>20</sup>

7. Comcast's attempts to distinguish its networks based on the relative amounts of live and original programming each offers are unavailing and inaccurate. As the Complaint demonstrated, Tennis Channel offered more than            hours of worldwide event coverage in 2008—outperforming the Golf Channel (            ) and Versus (            ).<sup>21</sup> Nothing in Comcast's opposition seriously calls the significance of this showing into question.<sup>22</sup> Moreover, Tennis Channel's coverage includes substantial live and first-run broadcasts, especially of marquee events, and its event coverage increased substantially during 2009.<sup>23</sup>

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The fact is that Versus was

carrying content meant to appeal to the same viewers as Tennis Channel's.

<sup>20</sup> Comcast Spotlight, "Sports—Pro Tennis," *supra* note 1.

<sup>21</sup> Complaint ¶ 79.

<sup>22</sup> Comcast suggests that Tennis Channel was wrong to consider both live event coverage and tape-delayed event coverage in its analysis. But Comcast itself reports the event hours for its own networks using delayed events. *See* Answer Ex. 5, Decl. of Marc Fein, ¶ 3 (Versus has 900 hours per year of live "or first-run tent-pole" events"); *id.* Ex. 7, Decl. of Christopher R. Murvin, ¶ 4 (Golf Channel "broadcast on a live or same day tape-delayed basis" an unspecified number of hours of golf event coverage). And Comcast does not assert that if the analysis is restricted to "live" (and not tape-delayed) coverage, its networks outperform Tennis Channel. Answer ¶ 82; *see also id.* Ex. 4, Decl. of Michael Egan, ¶¶ 16-18 ["Egan Decl."]; *id.* Ex. 5.

<sup>23</sup> *See* Solomon Decl. ¶ 9; Solomon Supp. Decl., Exh. G. Comcast's quibbles regarding the exclusivity of event coverage are similarly unsound. For example, Comcast stresses Tennis Channel's online streaming of some 2010 Australian Open matches, *see* Answer ¶ 84, but most of the online coverage showed matches that supplemented (rather than duplicated) the higher-profile matches being shown on Tennis Channel. As for Versus and the Golf Channel, Comcast carefully avoids describing many of their rights as fully exclusive. *See, e.g.,* Answer ¶ 87 ("exclusive cable rights"). The fact is that online viewing supplements, but rarely replaces, television viewing, *see* Supplemental Decl. of Timothy Brooks, ¶ 9-10, attached hereto at Exh. 1 ("Brooks Supp. Decl."), which is likely why Comcast has been extolling to the Commission the value of making video content available to consumers on computers. *See, e.g.,* NBC Telemundo License, LLC & Comcast Corp., Application for Consent to Transfer of Control, File No.

Since 2009, for example, it has offered significant coverage of all four Grand Slams (Wimbledon and the U.S., Australian, and French Opens), every worldwide and United States Davis Cup and Fed Cup match, and many other major tournaments—worldwide, year-round.<sup>24</sup> And Comcast incorrectly suggests that Tennis Channel “has just 49 tournaments scheduled for 2010”<sup>25</sup>; the truth is that Tennis Channel plans to broadcast close to 80 tournaments—which generally run for a week or two and often include dozens of matches each day.<sup>26</sup>

8. Meanwhile, Comcast “admits that Golf Channel does not offer live event coverage of” any of golf’s Majors: the Masters Tournament, the U.S. Open, the Open Championship, and the PGA Championship, which instead generally are offered on the free over-the-air broadcast networks.<sup>27</sup> Nor does the Golf Channel ordinarily telecast the more popular later rounds of the events it does cover.<sup>28</sup> And according to Comcast, “golf programming is plentiful on cable,” including on ESPN, USA, and TNT.<sup>29</sup> Versus, for its part,

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BTCCDT-20100128AAG, Attachment 1 (Public Interest Statement) (“Comcast/NBCU Application”).

<sup>24</sup> Complaint ¶¶ 11-12; Solomon Decl. ¶ 9.

Moreover, Tennis Channel’s lifestyle, instructional, and other non-event programming is also highly regarded by viewers and independent observers. Complaint ¶ 12. Much of what Comcast describes as “original hours” on the Golf Channel, by contrast, is merely “live-from” content—that is, the half-measure of having reporters outside an event rather than cameras inside it. Answer ¶ 86. Comcast suggests that the fact that Tennis Channel does not have to rely on “live-from” programming is a drawback, *id.* at ¶ 88; this is a perplexing claim, since it stems from Tennis Channel’s superior live coverage of actual events. (For significant events, Tennis Channel does offer both event coverage and “live-from” interviews and analysis. Solomon Supp. Decl. ¶ 6.)

<sup>25</sup> Egan Decl. ¶ 15.

<sup>26</sup> Solomon Supp. Decl. ¶ 6.

<sup>27</sup> Answer, Responses to Numbered Paragraphs, ¶ 39.

<sup>28</sup> Complaint ¶ 80.

<sup>29</sup> Comcast Spotlight, “Sports—Pro Golf,” at <http://www.comcastspotlight.com/sites/Default.aspx?pageid=9743&siteid=62&subnav=3> (last accessed Mar. 22, 2010), attached at Exh. 21.

covers such less widely viewed sports as bull riding, bicycling, cagefighting, and hunting, along with some NHL games (though only two championship games).<sup>30</sup> For over six months, DIRECTV publicly refused to pay Versus's high prices (which based on public figures are ), citing the infomercials Versus carries—many of which are telecast during key daytime periods—and its limited original programming.<sup>31</sup> DIRECTV only recently resumed carriage of Versus.<sup>32</sup>

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<sup>30</sup> Complaint ¶ 80; Answer ¶ 87.

<sup>31</sup> Mike Reynolds, "Versus, DirecTV Disconnect in Carriage Dispute," *Multichannel News* (Sept. 1, 2009). *See also* SNL Kagan, *Economics of Basic Cable Networks* at 53 (2009) [hereinafter *Economics of Basic Cable Networks*], attached to Complaint at Exh. 20 (Versus licensing fees of 33 cents per subscriber per month in 2010); Tennis Channel Proposal to Comcast, attached to Complaint at Exh. 24 ('

). *See also* Tribune Media Services, Versus Program Schedule (Comcast - Digital) (Mar. 21-Apr. 4, 2010), at <http://tvlistings.zap2it.com/tvlistings/ZCSGrid.do?stnNum=15952&channel=7>, attached at Exh. 23.

<sup>32</sup> Mike Reynolds, "Versus, DirecTV Reconnect on Carriage Accord," *Multichannel News* (Mar. 15, 2010), attached at Exh. 19.

<sup>33</sup> Complaint ¶¶ 61-63. *See also* Brooks Supp. Decl. ¶ 21

<sup>34</sup> Brooks Supp. Decl. ¶ 5.

<sup>35</sup> *Id.*

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<sup>36</sup> Complaint ¶ 43; Brooks Decl. § III(2)(g).

<sup>37</sup> Complaint ¶ 43; Brooks Decl. § III(3)(a).

<sup>38</sup> Brooks Supp. Decl. ¶ 5.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* ¶ 4 & n.1.

<sup>42</sup> *TCR* ¶ 35.

11.

12.

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<sup>43</sup> *See generally* Brooks Supp. Decl. ¶¶ 14-23.

<sup>44</sup> *See, e.g.*, Singer Supp. Decl. at n.41

*See* Orszag Decl. at 22.

<sup>45</sup> Orszag Decl. ¶ 70.

<sup>46</sup> Brooks Supp. Decl. ¶ 7



13.

14. ***Competition for viewers and advertisers.*** Comcast asserts that Tennis Channel, Versus, and the Golf Channel do not “directly compete” for viewers or advertising.<sup>52</sup> Yet it concedes that the networks overlap in key respects; for instance, “[v]iewers of both Tennis Channel and Golf Channel are among the highest-income households, a coveted demographic

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<sup>48</sup> Complaint ¶¶ 43-44, 61-63. Tennis Channel performs well in surveys of the overall value viewers place on the options available to them. *See* Brooks Decl. § III(4)(c); Brooks Supp. Decl. ¶ 6.

<sup>49</sup> Brooks Supp. Decl. ¶ 14.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Answer at 52.

among advertisers.”<sup>53</sup> This concession is consistent with Tennis Channel’s proof of demographic similarities among the viewers of these three networks.<sup>54</sup>

15. Comcast also fails to overcome, or even dispute, Tennis Channel’s proof that the networks have a of advertising customers in common.<sup>55</sup> Its effort to minimize the importance of that overlap—by asserting that other sports networks also control a much larger proportion of the advertising market than does Tennis Channel—amounts to an argument that large networks like Versus and the Golf Channel can never face competition from smaller networks, and that those smaller networks therefore never can prevail in a Section 616 claim.<sup>56</sup> Likewise, Comcast is off-base in its claims that advertiser “[o]verlap is not an accurate measure of potential advertising competition because firms that share customers do not

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<sup>53</sup> *Id.* at ¶ 99. Comcast relies on insignificant differences in the gender and income demographics of the networks to argue that Tennis Channel does not compete with Versus and the Golf Channel for viewers and advertisers. *See* Egan Decl. ¶ 24, Orszag Decl. ¶ 57. The fact that the networks “are substantially similar in audience composition . . . can be readily seen when we include a figure omitted by Mr. Egan and Mr. Orszag, namely the median for each metric.” Brooks Supp. Decl. ¶ 6. The median figure shows that all three networks “are average in male composition as well as in income.” *Id.* As Mr. Brooks concluded, “Saying that these networks are ‘not terribly similar’ [as Comcast does] is like saying two affluent individuals are not similar because one is slightly richer than the other.” *Id.*

<sup>54</sup> Complaint ¶ 58. Comcast wrongly suggests that “demographics alone provide little information about a network’s customer interest and appeal,” while “[c]ompetition for advertising dollars is a more relevant proxy.” Answer ¶ 101. , demographics are a direct measure of customer appeal and what advertisers examine when they make purchasing decisions. Herman Decl. ¶ 5.

<sup>55</sup> Complaint ¶ 59.

<sup>56</sup> Answer ¶ 102. The size and number of available networks does not determine whether or not they compete (or compete “directly”) for the total revenues available to networks from advertisers’ budgets, nor is it true, as Comcast suggests, that networks that compete for the attention of the same advertisers are not in competition. *See* Orszag Decl. ¶ 59-60. Dr. Singer found that this conclusion “violates basic economic logic, as it suggests that a profit-maximizing firm would be happy to share its customers with a rival.” Singer Supp. Decl. ¶ 15, n.14. Instead, Dr. Singer concluded that “Tennis Channel draws heavily from the same base of customers that advertise on Versus and the Golf Channel,” each of which has a finite amount to spend on advertising, meaning that “the three networks compete for advertisers and thereby impose some degree of price discipline on [each others’] advertising rates.” *Id.* ¶ 47.

necessarily compete for those customers,”<sup>57</sup> and that the advertising models of Golf Channel and Versus include some revenues from sources for which Tennis Channel does not compete.<sup>58</sup> The reality is that Tennis Channel, the Golf Channel, and Versus clearly compete for the same groups of viewers and advertisers; indeed, they serve many of the exact same advertisers. The advertising dollars available from these sources are finite, not infinitely expandable. Because advertisers have finite advertising budgets, they are forced to choose—if not whether to advertise on each network, then how much to spend (a dollar spent on one network cannot also be spent on another). And it is clear that the Golf Channel, Versus, and Comcast’s other affiliated networks benefit in competition for these dollars from the severe limitations that Comcast’s calculatingly controlled and limited distribution of Tennis Channel has caused. Limited distribution of Tennis Channel by Comcast “depresses Tennis Channel’s advertising revenues, thereby preventing it from becoming a more significant competitor that ultimately could constrain Comcast’s own advertising revenues,” a fact that necessarily gives Comcast an anticompetitive incentive to depress Tennis Channel’s distribution.<sup>59</sup>

**B. Comcast Discriminates Against Tennis Channel Because It Is Unaffiliated.**

16. Comcast asserts that Tennis Channel is required to show that the disparate treatment to which it objects “was specifically motivated by affiliation or non-affiliation,” and that for the purpose of analyzing this issue, Comcast need only “articulate[] a valid rationale for [the] disparate treatment,” at which time Tennis Channel becomes obliged to prove the pretextual

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<sup>57</sup> Answer ¶ 103. Comcast is trying too hard to avoid the obvious. If sharing identical advertisers (and making pitches to the same advertisers) does not show competition for the same set of advertisers, nothing would. Decl. of Hal Singer, Exh. 1 to Tennis Channel Complaint, ¶ 20 [hereinafter “Singer Decl.”].

<sup>58</sup> Answer ¶¶ 104-05. There is no requirement that the networks have identical advertising models or that, beyond competing for a number of the same advertisers (which is not in dispute), they only compete for the same advertisers and no others.

<sup>59</sup> Singer Supp. Decl. ¶ 45.

nature of such rationales.<sup>60</sup> In fact, the Media Bureau expressly rejected the claim that the “standard for assessing discrimination under Section 616 is derived from ‘the body of law that has arisen under [statutes prohibiting race-, age-, and similar discrimination]’”—the very body of law upon which Comcast now relies.<sup>61</sup> The Bureau correctly held, instead, that a complainant like Tennis Channel bears only the burden of establishing a *prima facie* case of discrimination,<sup>62</sup> and that the defendant is required to prove (not just articulate) its claimed legitimate reasons for the disparate treatment.<sup>63</sup> In any event, even if Comcast’s preferred standard of proof were applied, Tennis Channel would prevail. The evidence of discrimination is overwhelming; the justifications Comcast offers are purely pretextual.

**1. Comcast Distributes Tennis Channel on Significantly Less Attractive Terms Than Its Affiliated Networks.**

17. There is no dispute that Comcast carries Tennis Channel on a narrow sports tier received by about ten percent of its subscribers, and that it grants its affiliated sports networks penetration that includes many times that number of subscribers: Versus and the Golf Channel are distributed on what Comcast describes as “expanded basic” to nearly all (according to Comcast, ) of Comcast’s subscribers, and the NHL Network, NBA TV, and MLB Network are distributed to about .<sup>64</sup> Thus, Comcast cannot seriously deny

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<sup>60</sup> Answer ¶¶ 41-44 (citing, *inter alia*, *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)).

<sup>61</sup> TCR ¶ 23; *see also id.* ¶ 14; Answer ¶¶ 41-44 & n.93.

<sup>62</sup> TCR ¶ 25; *see also id.* ¶¶ 23-24.

<sup>63</sup> *Id.* ¶ 24 (MVPD required to “demonstrate” that disparate treatment did not result from affiliation); *id.* ¶ 32 (citing MVPD’s failure “to provide evidence sufficient to rebut [the] *prima facie* case”). The somewhat different approach of the Presiding Judge in another matter depended largely on maintaining consistency with earlier rulings in that particular case by a different judge, but even there the ALJ did not, as Comcast suggests, import *McDonnell Douglas* into this context. *See Herring Broadcasting, Inc. v. Time Warner Cable Inc.*, Recommended Decision, ¶¶ 57-63 & n.232, 24 FCC Rcd 12967 (rel. Oct. 14, 2009).

<sup>64</sup> Complaint ¶¶ 65-66; Decl. of Jen Gaiski, Exh. 6 to Comcast Answer, at ¶ 12 (“Gaiski Decl.”). The Comcast SportsNets are distributed to the vast majority of subscribers of the Comcast

that it provides materially less expansive carriage to Tennis Channel than to its affiliated networks.

18. Comcast asserts nonetheless that it makes Tennis Channel “available” to nearly all Comcast subscribers, because any one of those subscribers can pay additional amounts to obtain Tennis Channel.<sup>65</sup> But here again, Comcast’s actions are at odds with its arguments in this case: recognizing the substantial limitations that this type of extra-fee carriage imposes on networks, Comcast does not limit its own networks to customers who pay appreciably higher rates, as it does with Tennis Channel.<sup>66</sup> Instead, nearly all of Comcast’s 24 million subscribers *actually receive* Versus and the Golf Channel, without paying extra for the service, while only about \_\_\_\_\_, actually receive Tennis Channel on the sports tier,<sup>67</sup> and then only after signing up for digital cable and paying as much as eight more dollars per month for the Sports and Entertainment Package.<sup>68</sup> This form of “availability” obviously is not equivalent to actually being carried to more homes at no additional charge and without the need to obtain new equipment or even make a phone call.<sup>69</sup>

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systems that distribute them. Complaint at ¶ 65. *See also* Answer, Responses to Numbered Paragraphs, ¶ 65 (not denying this allegation).

<sup>65</sup> Answer ¶ 11.

<sup>66</sup> *See* Brooks Supp. Decl. ¶ 23 (“Comcast’s suggestion that Tennis Channel somehow benefits from placement on an extra-cost sports tier is illogical . . . . No advertiser-supported network wants to be placed exclusively on an extra-cost tier, and those that are placed there suffer as a result.”).

<sup>67</sup> Gaiski Decl. ¶ 5.

<sup>68</sup> Gaiski Decl. ¶ 5 (sports tier fee is “approximately \$5-8 per month”).

<sup>69</sup> *See TCR* ¶ 31 n.123. Comcast’s discussion of its positioning of networks in its channel lineup is similarly erroneous. Complaint ¶¶ 71-72. *See also* Brooks Supp. Decl. ¶ 23-24 (“Carrying MLB and NHL on both lineups does not enhance the appeal of the sports tier, it dilutes it. Rather than enjoying proximity to MLB and NHL where they are most widely exposed, Tennis Channel is located outside their back door.”).

2. **The Different Treatment Is Because of Comcast's Affiliation-Based Discrimination.**

19. The basis for the unfavorable treatment Tennis Channel receives from

Comcast is affiliation:

- *No Comcast-affiliated network is carried solely on the narrowly-distributed sports tier, as unaffiliated networks are. Comcast carries its affiliated networks broadly, giving its wholly owned networks the widest possible carriage and its partially owned networks significantly greater coverage than is available on the sports tier.*<sup>70</sup>
- *Affiliation provides the only explanation for Comcast's treatment of the channels it owns as compared to its treatment of other channels. For example, Comcast moved the Golf Channel from the sports tier to its broad basic tier, specifically and admittedly because it owned the network and the network was faltering as a premium channel. But Tennis Channel is a far more mature and completely developed sports service than the Golf Channel was when Comcast repositioned it just months after its launch.*<sup>71</sup>
- *According to its president, Stephen Burke, Comcast treats its affiliated networks "like siblings as opposed to strangers."<sup>72</sup> Comcast's effort to explain away this statement by suggesting that it merely related to the physical proximity of Comcast's network and distribution staff (a factor Mr. Burke later mentioned) is inconsistent with the full remark, in which Mr. Burke said that affiliated networks receive "a better audience with" and "a different level of scrutiny" from Comcast executives who make carriage decisions.<sup>73</sup>*
- *Comcast has a clear incentive to discriminate against networks such as Tennis Channel. Doing so protects its affiliated networks from competition, which is particularly relevant with sports like golf and tennis that Comcast itself recognizes as highly similar in terms of their audience and advertiser appeal. Discrimination also strengthens Comcast in its pursuit of sports content for its own networks.<sup>74</sup> Comcast has placed expanding its sports business at "the top of [its] list,"<sup>75</sup> and tennis is said by some sources to be a key part of that*

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<sup>70</sup> Complaint ¶¶ 68-70.

<sup>71</sup> *Id.* ¶¶ 25, 67.

<sup>72</sup> *Id.* ¶ 68.

<sup>73</sup> *Id.* ¶ 68 & Exh. 21.

<sup>74</sup> *Id.* ¶¶ 73-74, 76. *See also* Singer Supp. Decl. ¶ 45.

<sup>75</sup> Sam Schechner, "Corporate News: Comcast-NBC Is a Challenger," *Wall St. J.*, at B2 (Oct. 12, 2009), attached at Exh. 9 ("Comcast Corp. executive Jeff Shell said . . . that expanding the sports business at his cable networks was the 'top of our list over the next five years.'"); *see also*,

strategy.<sup>76</sup> At a time when Comcast is trying to expand its reach in sports programming, and possibly even to launch its own tennis network, its incentive to discriminate against a potent source of competition for audience, advertisers, and content is both patent and especially strong.<sup>77</sup>

20. Given that Tennis Channel is similarly situated with Comcast's affiliated sports networks,<sup>78</sup> one "would expect a reasonable MVPD in Comcast's position considering the relevant non-affiliation-based factors to carry Tennis Channel in a similar manner" to its affiliated, similarly situated networks, as others often do.<sup>79</sup> Comcast's failure to provide comparable carriage levels can only be understood as an effort to provide a competitive advantage for its affiliated networks.<sup>80</sup>

### 3. Comcast's Proffered Rationales for Its Conduct Are Pretextual.

21. Comcast offers a variety of claimed business reasons for treating Tennis Channel differently from its owned sports networks. But these showings are distorted or pointless, and Comcast does not even claim—let alone prove—that its affiliated networks are or ever have been held to the standards to which it now claims to hold Tennis Channel. Indeed, given the Answer's failure to measure Comcast's affiliated networks by these same standards—

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*e.g.*, John Ourand, "Comcast's Burke Takes on Critics of Company's Dual Strategies," *Sports Bus. J.* (Apr. 13, 2009), attached at Exh. 7.

<sup>76</sup> See Bob Larson, "We Hear," *Daily Tennis News* (Feb. 12, 2010) ("We Hear . . . that Comcast, owner of The Golf Channel, is studying the possibility of launching a tennis channel."), attached at Exh. 15. If Comcast alone distributed an affiliated tennis network at the same level as Versus and the Golf Channel, that new network would have about as much distribution as Tennis Channel does today on all MVPDs. If these sources are correct, Comcast's plan to launch a tennis network provides an obvious incentive for Comcast to keep Tennis Channel's distribution low so that it cannot compete effectively with the new service.

<sup>77</sup> See TCR ¶ 37 (MVPD had "incentive to thwart [unaffiliated network's] widespread availability," given their competition for sports rights); Complaint ¶ 73; Singer Decl. ¶¶ 40-45.

<sup>78</sup> See paragraphs 2-15, *supra*. Tennis Channel also performs well on the standards proffered by Mr. Orszag, *see* Orszag Decl. ¶ 54 n.66, and by Mr. Egan, *see* Egan Decl. ¶ 9. *See also* Brooks Supp. Decl. ¶¶ 8-9.

<sup>79</sup> Singer Decl. ¶ 2.

<sup>80</sup> See Complaint ¶ 74; Singer Decl. ¶¶ 2, 23.

and Comcast's failure to offer a consistent set of supposedly applicable standards throughout its opposition—there is ample reason to believe Mr. Burke's observation that Comcast's executives apply "a different level of scrutiny" to carriage decisions regarding affiliated and unaffiliated networks.<sup>81</sup> The Media Bureau has condemned such an approach, in a holding (unmentioned by Comcast) that Section 616 "prohibit[s] [the MVPD] from applying to unaffiliated programming services more stringent standards . . . than those it applie[s] to affiliates."<sup>82</sup>

a) Comcast's Claimed Economic Justification Is Unsound.

22. Comcast asserts that expanding Tennis Channel's carriage would cost it more than what was justified by local interest in Tennis Channel.<sup>83</sup> But the facts undermine any claim that cost savings and the level of local interest were the real reason for Comcast's refusal to provide Tennis Channel with nondiscriminatory carriage. In May 2009, Tennis Channel approached Comcast with an offer of

.<sup>84</sup> Although Comcast's Executive Vice President of Content Acquisition, Madison Bond, previously had demanded a "incentive" to reposition the network (a matter that Comcast admits it raised during the negotiations), Comcast rejected in June 2009 the that Tennis Channel proposed without even a counteroffer.<sup>85</sup> If cost, and

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<sup>81</sup> Complaint, Exh. 21.

<sup>82</sup> TCR ¶ 33; *see also id.* at ¶ 46 n.182.

<sup>83</sup> Answer ¶¶ 62-63, 91.

<sup>84</sup> Solomon Supp. Decl. ¶¶ 3-5.

<sup>85</sup> Answer ¶ 53 & Responses to Numbered Paragraphs ¶ 45 (first claiming that "there was no such 'demand,'" but later "admit[ting] that Matt Bond was responsible for responding to Tennis Channel's most recent proposal and that he raised the prospect of during the course of discussions"); Decl. of Ken Solomon, Exh. 3 to Complaint, at ¶¶ 14-20; Solomon Supp. Decl. ¶ 3 ("In light of Mr. Bond's demand, I was surprised that, after we ultimately offered a Comcast did not even attempt to negotiate the magnitude of the financial incentive. Instead, Mr. Bond simply cut off our discussions without negotiation."). *See also* Solomon Supp. Decl. ¶ 5.



not affiliation, had motivated Comcast's decision-making, as it now claims,<sup>86</sup> it would have been illogical for Comcast to walk away without first exploring the possibility that it could provide broader carriage of the network at an even lower cost.<sup>87</sup> Moreover, as shown below, each aspect of Comcast's cost claim fails review.

23. ***Financial costs and benefits.*** Comcast appears to argue that the cost to it of increasing Tennis Channel's penetration would have been significant and would not have been justified by any benefit it would receive. But Comcast greatly overstates the net financial expense it would incur in increasing Tennis Channel's carriage.

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24. And that gross figure takes no account of the other financial benefits Comcast could achieve from repositioning Tennis Channel. As the Media Bureau has already recognized, "out-of-pocket cost estimates [are] overstated [where] they fail to account for [the] ability to recoup a portion of those costs" through other means, such as "the sale of advertising spots."<sup>89</sup> In fact, Comcast likely would receive a net benefit from several sources: as expert economist Dr. Hal Singer notes,

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<sup>86</sup> See paragraphs 23-27, *infra*.

<sup>87</sup> Solomon Supp. Decl. ¶ 5.

<sup>88</sup> Answer ¶ 91.

<sup>89</sup> TCR ¶ 36. Comcast, of course, does not mention this determination.

[t]hose benefits could take the form of increased advertising revenue, increased subscriber revenue (from increased subscriber retention, increased subscriber attraction, or higher prices), increased incentives for subscribers to upgrade from analog to digital (if Tennis Channel were carried on Digital Basic), or increased savings from lower expenditures with the license fees of other networks whose prices would be disciplined by Tennis Channel's improved ability to compete.<sup>90</sup>

25. The incremental cost to Comcast of carrying Tennis Channel on its "expanded basic" tier } amounts to only *annually* for each subscriber who would receive the channel.<sup>91</sup> As Dr. Singer explained, Comcast could recoup this limited expense through many available revenue sources.<sup>92</sup> For example,

would permit Comcast's local systems to achieve national break-even if they could }.<sup>94</sup> That goal is particularly reasonable in light of the millions of new Tennis Channel viewers that Comcast's local systems would be able to offer after the change.

26. In any event, the additional cost to Comcast of expanded carriage would still leave Tennis Channel a great deal than either Versus or the Golf Channel. Tennis Channel's fees are in comparison to the rates that Comcast pays its own affiliated networks: according to published reports, the 2010 license fees for the Golf Channel are about

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<sup>90</sup> Singer Supp. Decl. ¶ 20. Of course, Comcast cannot argue that it would lose subscriber revenues from a possible reduction in sports tier subscribership were Tennis Channel to be added to a broader tier, given its position that networks dually carried on the sports tier and broader tiers (as a number of its affiliated sports networks are, and as Tennis Channel could be) still draw subscribers to the sports tier. *See Answer* ¶¶ 115-16.

<sup>91</sup> Singer Supp. Decl. ¶ 20.

<sup>92</sup> *Id.*

<sup>93</sup>

<sup>94</sup> *See* Singer Supp. Decl. ¶ 20.

<sup>95</sup> Assuming that Comcast's imputed payment for its own networks equals the industry average for their carriage by other distributors, in 2010 it will spend \_\_\_\_\_ million to carry Golf Channel and \_\_\_\_\_ million to carry Versus on basic tiers.<sup>96</sup>

<sup>97</sup> And \_\_\_\_\_, the NHL Network, the MLB Network, and NBA TV also cost \_\_\_\_\_

<sup>98</sup> Comcast makes no showing, and it does not suggest, that it applied to those services—two of which have been repositioned in the past several months—a cost-benefit analysis similar to that which it now purports to apply to Tennis Channel.

27. Finally, Comcast cannot properly use the fact that it must incur a modest cost to come into compliance with Section 616 to justify its failure to comply. That is, given that Tennis Channel's fees are among the lowest of national sports networks and—even on a basic tier—would be far lower than the imputed fees that Comcast pays for Versus and the Golf Channel and the actual fees that it pays other Comcast-affiliated sports networks, the limited

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<sup>95</sup> See *Economics of Basic Cable Networks* at 53.

<sup>96</sup> Solomon Supp. Decl. ¶ 4; Gaiski Decl. ¶ 12.

<sup>97</sup> Bond Decl. ¶ 20.

<sup>98</sup> *Economics of Basic Cable Networks* at 53 (NHL Network, MLB Network, and NBA TV 2010 rates of 56, 25, and 29 cents, respectively, per subscriber per month). In any event, Comcast's discussion of the supposed savings to it from refusing to provide nondiscriminatory carriage rings hollow given how minimal those savings are at a time when Comcast is enjoying record profits. See, e.g., Comcast, "Comcast Reports Second Quarter 2009 Results," tbl. 4 (Aug. 6, 2009) (2009 second quarter profits grew 53% compared to 2008), at <http://files.shareholder.com/downloads/CMCSA/860215874x0x312987/cc0396f1-9854-44d1-a361-706b1e1d271b/2Q09%20Tables.pdf>.

additional expense associated with carrying Tennis Channel on nondiscriminatory terms does not excuse Comcast's failure to do so.<sup>99</sup> That is particularly true in view of the significant offsetting benefits that Comcast's MVPD division would enjoy as a result of the broader carriage.<sup>100</sup>

28. **Local interest.** Comcast also claims that it did not reposition Tennis Channel because "[t]here was—and is—no demand by Comcast systems or subscribers for greater distribution of the network."<sup>101</sup> In her declaration in this case, Comcast's Vice President of Content Acquisition, Jen Gaiski, claims that Comcast's corporate office has "never rejected a request by any system to launch Tennis Channel."<sup>102</sup> That statement fails to acknowledge that Comcast has, in fact, declined systems' requests to launch Tennis Channel *on a broadly penetrated tier*, the change that Tennis Channel seeks in this case.<sup>103</sup>

29. In fact, Comcast's systems do not have a major say in its carriage decisions—a proposition demonstrated by its apparently unilateral decision to reposition (or provide broad distribution at launch to) each and every service in which it has a financial interest on all or virtually all of the systems it owns and to carry exclusively on the isolated sports tier only services in which it has no interest. This includes the MLB Network, NHL Network, and NBA TV, which Comcast launched (MLB Network) or repositioned (NHL Network and NBA TV) on a nationwide basis within months of turning down Tennis Channel's request in May 2009. In any event, Tennis Channel itself has had occasion to experience the futility of staking hopes of broader carriage on the desires of Comcast local system executives.

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<sup>99</sup> See Singer Decl. ¶ 24 & tbl. 4.

<sup>100</sup> See, e.g., paragraphs 24-25, *supra*.

<sup>101</sup> Answer ¶ 7.

<sup>102</sup> Gaiski Decl. ¶ 9.

<sup>103</sup> See Solomon Supp. Decl. ¶ 11.

30. At the time that Comcast entered into its affiliation agreement with Tennis Channel (in 2005), Comcast's San Francisco system expressed the desire and intent to carry Tennis Channel on a more broadly penetrated digital basic tier, just as it today carries the NHL Network, MLB Network, and other Comcast-affiliated sports channels.<sup>104</sup> By September 2005, the San Francisco system reported that Comcast was

and that it had assigned Tennis Channel a channel number in the range of other digital basic channels, and it had arranged with Tennis Channel a tennis-based promotion to encourage analog customers to upgrade to digital service.<sup>105</sup> The arrangement had been approved by

<sup>106</sup> At the last minute, Comcast's central office overruled the arrangement and directed the San Francisco system to carry Tennis Channel only on the sports tier, putting Tennis Channel in only about 70,000 San Francisco homes rather than the 750,000 homes to which Comcast's local and regional personnel had agreed.<sup>107</sup>

31. Tennis Channel has been advised by Comcast employees that individual systems are not authorized to make tiering changes without the approval of Mr. Bond or Ms. Gaiski in Comcast's corporate office.<sup>108</sup> Thus, even where a local system has demonstrated substantial interest in and commitment to broader carriage, it was vetoed by a corporate mandate

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<sup>104</sup> Solomon Supp. Decl. ¶ 10. In addition to planning to carry Tennis Channel on digital basic, the San Francisco system also planned to carry Tennis Channel on the sports tier. *Id.*

<sup>105</sup> *Id.* ¶¶ 7-9. See Brooks Supp. Decl. ¶ 24 (noting that "some networks (notably those [Comcast] owns) . . . get favored treatment by lower channel assignments unrelated to 'neighborhooding,' while others (those [Comcast] does not own) do not receive this advantage").

<sup>106</sup> Solomon Supp. Decl. ¶ 11.

<sup>107</sup> *Id.* ¶ 12.

<sup>108</sup> *Id.* ¶ 16.

to restrict Tennis Channel to the sports tier. Given the futility of such local expressions of interest, it is hardly surprising that Tennis Channel did not accept Comcast's invitation in 2009 to engage in another fruitless round of individual system negotiations when Mr. Bond offered that course as the only way in which its penetration could be improved. The offer was pretextual; the effort would have been unavailing.

32. ***Increased subscribership.*** Comcast claims that no "actual or potential gain or retention of subscribers . . . would result" from expanding Tennis Channel's carriage.<sup>109</sup> That claim is unsupported and irrelevant as a matter of settled law.

33. By suggesting that Tennis Channel must show that its broader carriage of the network would help retain or attract subscribers, Comcast urges a standard that the Media Bureau has already rejected (again without mentioning this authority). Specifically, the Bureau held that such an argument "would effectively require a program carriage complainant to demonstrate that an MVPD's failure to carry its service will cause subscribers to switch to other MVPDs that do carry the service": this "is not a requirement of the program carriage statute or our rules."<sup>110</sup>

34. In any event, Comcast does not assert that in order to continue receiving carriage on its Expanded Basic tier, the Golf Channel is required to prove any actual or potential gain or retention of subscribers.<sup>111</sup> Nor does it claim to have polled its individual systems to see whether they wanted to continue paying to receive Versus's programming, which DIRECTV has characterized as "a paid programming

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<sup>109</sup> Answer ¶ 63.

<sup>110</sup> *Omnibus HDO* ¶ 21; *see also id.* at ¶ 32.

<sup>111</sup> Singer Supp. Decl. ¶ 51.

and infomercial channel with occasional sporting events.”<sup>112</sup> Nor does it assert that it required any such showing before it launched the MLB Network on a digital basic tier nationwide or moved the NHL Network and NBA TV to such a tier, again on a nationwide basis.<sup>113</sup> Nor does Comcast state that it queried its local systems to see whether their subscribers were interested in paying extra for broad digital carriage of the U.S. Olympic Network (which would not have the right to offer Olympics event coverage—content that would be available for free on broadcast television).<sup>114</sup> Apparently, only non-affiliated—“non-sibling”—services are held to such standards, a practice that is a facial violation of the plain language of Section 616.

35. ***Comcast’s ratio.*** Comcast has invented a measurement that it calls “relative cost”—“the ratio of average license fee per subscriber to programming expenditures”—to justify isolating Tennis Channel on its sports tier.<sup>115</sup> This metric, which does not actually measure costs and benefits to an MVPD, is not a calculation that Comcast claims to have actually made in its carriage decisions regarding Tennis Channel or any of its affiliated sports networks. Nor does Comcast suggest that it is standard in the industry.

36. It is easy to see why: this ratio has no validity.<sup>116</sup> Programming costs measure neither program quality nor a service’s attractiveness to audiences. For example, news costs and reality program expenditures differ dramatically from the costs associated with

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<sup>112</sup> Mike Reynolds, “Versus, DirecTV Disconnect in Carriage Dispute,” *supra* note 31. *See also* Singer Supp. Decl. ¶ 18.

<sup>113</sup> Singer Supp. Decl. ¶ 42.

<sup>114</sup> *Id.* *See also* Complaint ¶ 27 n.58.

<sup>115</sup> Answer at 47; *id.* at ¶ 93.

<sup>116</sup> Even if Comcast’s “relative cost” methodology were itself valid, its calculations would not be. Comcast’s economist claims to have drawn information about each network’s programming expenses from an independent source, SNL Kagan, but he reports expenditures for Versus and other Comcast-owned networks that are markedly higher than the comparable figures reported by Kagan, thereby artificially improving Comcast’s “relative cost” ratios relative to other networks whose figures were not inflated. *See* Singer Supp. Decl. ¶ 40.

acquisition of feature films or the development of hour-long dramatic series.<sup>117</sup> And the cost of licensing sporting event packages can vary dramatically from package to package and sport to sport.<sup>118</sup> Importantly, Comcast does not show that there is any correlation between a network's programming expenditures and the quality or viewer appeal of that network's programming.<sup>119</sup>

37. In any event, the amount that Tennis Channel spends today on rights and programming development, five years after its launch on Comcast's systems, is fully comparable to what the Golf Channel and Versus spent at the same time in their development. Kagan reports that, during the fifth year after its launch on Comcast's systems, Versus spent on programming expenses—the that Kagan estimates Tennis Channel will spend in 2010, five years after its own Comcast launch; Golf Channel's programming expenses five years after its Comcast launch were .<sup>120</sup> These circumstances evidently did not prevent Comcast from providing Versus and the Golf Channel with broad carriage on its Expanded Basic tier. And for its expenditures, Tennis Channel has amassed virtually every tennis tournament of significance in the world, as well as major rights to broadcast the tennis Grand Slams. Neither the Golf Channel nor Versus can lay claim to such distinguished and comprehensive content for their money.<sup>121</sup>

38. Comcast suggests that lower "relative cost" ratios of licensing fees to programming expenditures, or higher programming expenditures standing alone, lead to broader

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<sup>117</sup> See Singer Supp. Decl. ¶ 38 ("[R]eality television shows and talent competitions are extremely popular—that is, are highly valued by viewers, advertisers, and distributors—yet often cost relatively little to make. Thus, the fact that a network spends a lot on programming is not critical to its success.").

<sup>118</sup> See *id.*

<sup>119</sup> *Id.* ¶ 35.

<sup>120</sup> See *Economics of Basic Cable Networks* at 315, 540, 585, attached at Exhibit 8.

<sup>121</sup> See Complaint ¶¶ 11-12, 39, 79-80; paragraphs 6-8, *supra*.



MVPD penetration.<sup>122</sup> As a threshold matter, those conclusions are incorrect because, as Dr. Singer notes, unaffiliated sports networks commonly deviate from Comcast's suggested rule.<sup>123</sup> In any event, Comcast's newly discovered "relative cost" ratio must be rejected because it would necessarily penalize smaller networks: Networks with more subscribers, by definition, enjoy economies of scale allowing them to reduce license fees while keeping programming expenditures fixed or to maintain license fees but increase programming expenses.<sup>124</sup> In contrast, smaller networks cannot spread their costs over as many subscribers and therefore have typically less favorable "relative cost" ratios.<sup>125</sup>

39.

.<sup>126</sup> It is thus incorrect to assume that Tennis Channel's cash outlay tells any part of the story about the value of its content.<sup>127</sup> And it is inappropriate to imply that the more efficient Tennis Channel is in obtaining rights or creating its own programming, the more

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<sup>122</sup> Answer ¶¶ 92-93; Orszag Decl. ¶ 32, tbls. 2A-2B & figs. 1-2.

<sup>123</sup> Singer Supp. Decl. ¶ 16.

<sup>124</sup> *Id.* ¶ 22.

<sup>125</sup> *Id.* ¶ 18.

<sup>126</sup> See paragraphs 9-13, *supra*.

<sup>127</sup>

disadvantaged it should be in its distribution.<sup>128</sup> Furthermore, limited distribution restricts a sports network from acquiring more expensive sports content because of licensors' desire for broad distribution and the limited revenues available for Tennis Channel to bid on such marquee content. Despite this handicap, as we have noted, Tennis Channel has bid for and acquired the rights to virtually all of the world's top tennis tournaments.<sup>129</sup> Where it shares Grand Slam rights with another network, it does so because the licensor seeks to deliver coverage of these showcase events in more homes than Tennis Channel can deliver on its own. To acquire these full rights, Tennis Channel would need to be more broadly distributed—and the single largest MVPD suppressing the network's distribution is Comcast.<sup>130</sup> Plainly, even with its carriage disadvantages, Tennis Channel has aggregated the rights to every worldwide event of interest to its audience—in a sport that Comcast concedes (in materials it circulates to advertisers) is comparable to golf.<sup>131</sup> The suggestion that it should have spent more to improve its appearance on a concocted and irrelevant ratio that measures nothing of significance should be ignored.

40. At bottom, Comcast's observation that there is a negative relationship between a network's household penetration rate and its ratio of license fee per subscriber to programming expenditure stands for the unremarkable proposition that networks that are less

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<sup>128</sup> Comcast also mistakes correlation for causation, stating that

Thus, Comcast's theory amounts to a claim that networks that are broadly carried should for this reason remain so, while networks that are narrowly carried should for this reason remain so.

<sup>129</sup> Solomon Decl. ¶ 4.

<sup>130</sup> See, e.g. Solomon Decl. ¶¶ 24-25.

<sup>131</sup> Comcast Spotlight, "Sports—Pro Tennis," *supra* note 1.

expensive to distributors tend to be carried more broadly.<sup>132</sup> But

b) Comcast's Reliance on Bandwidth and Launch Dates Is Faulty.

41. Comcast also seeks to invoke historical differences as a justification for treating Tennis Channel differently from the Golf Channel and Versus. It notes that it “has a finite amount of bandwidth and must allocate that limited resource selectively.”<sup>133</sup> Taking this argument to an extreme, Comcast’s expert Michael Egan asserts that Tennis Channel “missed the marketplace opportunity for distribution on highly-penetrated tiers.”<sup>134</sup> This striking argument—which amounts to a request that the Commission authorize Comcast never to carry an unaffiliated network on a broad tier unless the network existed in the mid-1990s and is already broadly penetrated today—fails factually and legally.

42. In fact, Comcast has much more bandwidth today than it did in the mid-1990s, when it launched Versus and the Golf Channel.<sup>135</sup> For this reason, Comcast does not actually allege that it lacks the capacity to carry Tennis Channel as broadly as Versus and the Golf Channel. Indeed, just the opposite is true: Comcast asserts that Tennis Channel is “available to virtually all Comcast subscribers who may be interested in obtaining [it],” albeit for

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<sup>132</sup> Singer Supp. Decl. ¶ 22.

<sup>133</sup> Answer ¶ 64; *see also id.* ¶ 67.

<sup>134</sup> Egan Decl. at 6.

<sup>135</sup> *See, e.g., Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, CS Docket No. 98-120, Comments of the National Association of Broadcasters & Association for Maximum Service Television, Inc., at 13-15 (July 16, 2007). Comcast’s position in this case stands in striking contrast to what it is telling the Commission in a separate proceeding: “[a]s Comcast makes rapid advances in video delivery technologies, more channel capacity will become available.” Comcast/NBCU Application, App. 8, Voluntary Public Interest Commitment #13.

an additional charge.<sup>136</sup> If Tennis Channel is indeed “available” to nearly all Comcast subscribers, then Comcast must have the capacity to distribute the network to virtually all its subscribers.<sup>137</sup>

43. Notably, Comcast’s treatment of the channels in which it has more recently acquired an interest categorically refutes its bandwidth claims. Comcast has not hesitated to provide broad carriage to networks that launched well after the mid-1990s—some quite recently—provided those networks are or become affiliated with Comcast.<sup>138</sup>

44. Legally, Comcast’s bandwidth argument is really nothing more than an argument to evade the strictures of Section 616. Redress of discrimination prohibited by Section 616 cannot be avoided because enforcement of the law would disrupt the MVPD’s preferred

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<sup>136</sup> Answer ¶ 11.

<sup>137</sup> Indeed, moving Tennis Channel from the sports tier to a broader digital tier would not take up *any* additional capacity. Tennis Channel’s digital signal takes up a fixed amount of bandwidth, and this would not change if more digital subscribers had access to the signal. Solomon Supp. Decl. ¶ 7.

<sup>138</sup> For example, Comcast moved (or “added”) the NHL Network, which launched in late 2007, to a digital basic tier around the time that it acquired a financial stake in the network, *see* Complaint ¶¶ 15, 28; it launched the new MLB Network on a digital basic tier in 2009, *see id.* ¶ 27; it launched the relatively new Retirement Living TV to 12 million homes just after Comcast gained equity in the channel in 2009, *see* Linda Haugsted, “Sole Survivors: Independent Networks Find Ways To Stay Alive in Economic Downturn,” *Multichannel News* (Jan. 26, 2009), attached at Exh. 5; and it indicated that it would carry the U.S. Olympic Network (the plans for which were apparently scrapped after objections from the International Olympic Committee) on a digital basic tier, *see* Complaint ¶ 27 n.58.

Comcast asserts that Versus and the Golf Channel paid large sums in launch support to MVPDs, but it does not specify how much they paid Comcast itself—if they paid anything at all. *See* Answer ¶ 53 & n.121. Tennis Channel has provided Comcast with

Comcast also extracted from Tennis Channel a commitment to pay Comcast’s Video on Demand processing division

allocation of existing resources. Section 616 was designed to assist unaffiliated networks and to promote the launch of new ones, not to preserve and immunize discrimination against them.<sup>139</sup>

c) The Carriage Decisions of Other MVPDs Do Not Justify Comcast's Discrimination.

45. Comcast also suggests that its isolation of Tennis Channel on a sports tier is somehow justified by the carriage decisions of other MVPDs.<sup>140</sup> But its position on this subject is inconsistent with governing Commission policy, inconsistently applied by Comcast, and in any event an inaccurate characterization of the actual carriage decisions made by other MVPDs.

46. Specifically, the Media Bureau has rejected MVPDs' efforts to defend their conduct through reliance on the carriage decisions of other MVPDs, and Comcast's own expert confirms the correctness of that decision. The Media Bureau observed in response to a similar argument in another case that "the salient fact is that each owner of the cable-affiliated . . . network has refused to carry [the unaffiliated network], and a discrimination claim requires the Commission to assess why *these* cable operators have refused to carry [the unaffiliated network] but have decided to carry [the affiliated network]."<sup>141</sup> Indeed, Comcast has recognized the highly limited probative value of other MVPDs' decisions. In seeking to explain away the distributors that carry Tennis Channel more broadly than Comcast, Comcast's economic expert notes that "[i]t is reasonable for different MVPDs to come to different carriage decisions

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<sup>139</sup> See, e.g., Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 2(a)(4), 106 Stat. 1460, attached to Complaint at Exh. 5 [hereinafter "Cable Act"] (concern with "barriers to entry for new programmers and a reduction in the number of media voices available to consumers"); Cable Television Consumer Protection Act of 1990, S. Rep. No. 101-381, 101st Cong., 2nd Sess. (July 19, 1990) ("As a practical matter, it is almost impossible in the present environment to start a new cable system service without surrendering equity to the owners of the monopoly cable conduits.").

<sup>140</sup> Answer ¶ 73.

<sup>141</sup> *Omnibus HDO* ¶¶ 34, 45 (emphasis added).

regarding [a network], depending on the MVPDs' business strategies, geographic territories, judgments about subscriber preferences, and the terms of their individual affiliation agreements."<sup>142</sup> Whatever the basis of the decisions of other MVPDs, this case is about Comcast and the substantial disparity it has created between the carriage conditions available to its owned and affiliated sports networks and unaffiliated services like Tennis Channel. And as to Comcast, the evidence makes clear that Comcast is discriminating against Tennis Channel simply on the basis of affiliation.

47. Even if one were to take into account what other MVPDs do, Comcast is still an outlier in its treatment of Tennis Channel. The actual facts—setting aside serious factual errors made by Comcast<sup>143</sup>—undermine Comcast's position. Among other things, over two-

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<sup>142</sup> Orszag Decl. ¶ 15.

<sup>143</sup> For instance, Comcast wrongly asserts that Dish Network “negatively repositioned Tennis Channel from its second tier to [a] premium . . . package,” and it faults the Complaint for omitting this “fact.” Answer ¶¶ 27, 74 & n.168. In reality, Dish Network has never retired Tennis Channel; the network remains on the America's Top 250 tier—the same tier on which Dish Network carries Versus. Solomon Supp. Decl. ¶ 20. This error was apparently caused by an erroneous item in a newsletter, *see* Answer Ex. 24, as Comcast could have found by a simple look at Dish Network's lineup. Comcast also claims that the tier on which Dish Network carries Tennis Channel “is . . . comparable to Comcast's sports tier.” Answer ¶¶ 27, 74. That is false: Dish Network offers a sports tier called the “Multi-Sport Package,” which costs \$5.99 per month and does not include Tennis Channel. In contrast, the “America's Top 250” tier (on which Tennis Channel is actually carried) is a general-interest tier, distributed to about of Dish Network's subscribers, that includes other popular non-sports networks like National Geographic Channel, Fox Business News, and the Do It Yourself Network. These are all networks that Comcast carries on its “Digital Classic” level of basic service. Solomon Supp. Decl. ¶¶ 20-22. And contrary to Comcast's claims, does carry Tennis Channel. Solomon Supp. Decl. ¶ 24.

As another example, Comcast claims that Tennis Channel “agreed to be launched on Cablevision's sports tier after the 2009 U.S. Open.” Answer ¶¶ 26, 73. In fact, Tennis Channel had been in carriage negotiations with Cablevision when the distributor joined the National Cable Television Cooperative (NCTC) in order to take advantage of the network's existing contract with NCTC. Tennis Channel's compliance with an existing contract did not constitute “agreement” with Cablevision's exploitation of it; Tennis Channel was contractually forced to comply with Cablevision's request. Solomon Supp. Decl. ¶¶ 17-19.

thirds of Tennis Channel's distributors carry the network on a *non-sports-tier* basis.<sup>144</sup>

Moreover, at a time when Comcast claims Tennis Channel did not merit broader carriage, Cox Communications—a cable operator that Comcast uses to justify its own carriage decision—was continuing to expand Tennis Channel's carriage on additional systems.<sup>145</sup>

48. Moreover, if other MVPDs' decisions are relevant to Comcast's carriage decisions, it is Comcast's largest in-region rivals that are most pertinent, because they are the distributors with which Comcast most directly competes for subscribers.<sup>146</sup> These distributors starkly illustrate how Comcast's carriage decisions are out of step with Tennis Channel's value.<sup>147</sup> In the markets where Comcast operates, its most significant competitors are DIRECTV, Dish Network, and Verizon.<sup>148</sup> DIRECTV has 18.5 million subscribers, and it

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<sup>144</sup> Complaint ¶ 13.

<sup>145</sup> Solomon Supp. Decl. ¶ 23.

<sup>146</sup> Singer Supp. Decl. ¶ 26 (noting that “[t]he fact that Comcast competes for the *same* subscribers with DirecTV, Dish, and Verizon implies that the tiering decision of these three in-region rivals with respect to Tennis Channel should be given the greatest weight in any analysis of rival carriage of Tennis Channel”).

<sup>147</sup> Singer Decl. ¶¶ 27-28; Singer Supp. Decl. ¶¶ 26-30. *See also* TCR ¶ 47 (discussing decisions of other MVPDs, particularly DIRECTV and Dish Network, “two of [the defendant MVPD’s] most direct competitors in [the area in question]”); *id.* at ¶ 34.

<sup>148</sup> Singer Supp. Decl. ¶ 26. Comcast claims that DIRECTV's carriage decisions are irrelevant because DIRECTV has positioned itself as a “leader in sports” and that any Comcast viewers who make purchasing decisions based on sports content would already have left Comcast for DIRECTV. *See* Orszag Decl. ¶ 15. But that conclusion is inconsistent with Comcast's presumptive competition for all potential subscribers and with its own role and claims with respect to cable sports. *See* Brooks Supp. Decl. ¶ 16. Its president recently declared that “[s]ports is the must-have programming on cable. One way that you can hedge yourself a bit is to get into it yourself.” John Ourand, “Comcast's Burke Takes on Critics of Company's Dual Strategies,” *supra* note 75. *See also* Comcast/NBCU Application, App. 8, at 50 (“The transaction will allow for NBC's sports programming to be distributed on Versus, Golf Channel, and Comcast's multiple RSNs, where brand identity would be greater and opportunity cost would be lower than if the sports programming were distributed on NBCU's current non-sports networks . . . . Similarly, . . . new opportunities will be created . . . to negotiate for broader rights packages and to expand cross-promotion of broadcast and cable sports.”). It also is inconsistent with Comcast's public pronouncement that “[n]o one puts sports together like we do.” Comcast Spotlight Advertisement, *Sports Bus. J.*, at 43 (Mar. 27-Apr. 2, 2006), attached at Exh. 4.

carries Tennis Channel on a broad, general-interest tier to \_\_\_\_\_ of its basic subscribers—a tier where it also carries the Golf Channel and only recently resumed carrying Versus.<sup>149</sup> Dish Network has 14.1 million subscribers, and it carries Tennis Channel and Versus on a general-interest tier distributed to \_\_\_\_\_ of its basic subscribers, while carrying the Golf Channel on the next-broadest tier.<sup>150</sup> Verizon, with 2.9 million subscribers, carries the three networks on different tiers but still distributes Tennis Channel to \_\_\_\_\_ of its subscribers.<sup>151</sup>

49. Given the realities of these MVPDs' decisions, Comcast and its economic expert urge an oddly selective analysis of what other MVPDs do: they stress the practices of large "incumbent cable companies" (to the limited extent that these companies act in line with Comcast) while suggesting that the practices of more direct competitors like DIRECTV, Dish Network, and Verizon (which call Comcast's carriage decisions into question) can be explained away by their unique circumstances.<sup>152</sup> But Comcast has no market reason to take into account

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<sup>149</sup> DIRECTV, SEC Form 10-K, at 3 (Dec. 31, 2009); DIRECTV, "English Packages" at <http://www.dishnetwork.com/packages/comparisonguide/default.aspx> (last accessed Mar. 22, 2010), attached at Exh. 16; Reynolds, "Versus, DirecTV Reconnect on Carriage Accord," *supra* note 32; Singer Decl. at tbl. 6.

<sup>150</sup> Dish Network Corp., SEC Form 10-K, at 3 (Dec. 31, 2009); Dish Network, "HD Channel Directory," at [www.dishnetwork.com/downloads/pdf/whats\\_on\\_dish/programming\\_guides/HD\\_Channel\\_Lineup.pdf](http://www.dishnetwork.com/downloads/pdf/whats_on_dish/programming_guides/HD_Channel_Lineup.pdf) (last accessed Mar. 22, 2010), attached at Exh. 17; Singer Decl. at tbl. 6.

<sup>151</sup> Verizon Communications Inc., Press Release, "Verizon Reports Strong Wireless Customer and Data Growth in 4Q; Delivers Higher Operating Cash Flows," at 1 (Jan. 26, 2010). In mid-January 2010, Verizon launched a new tier structure that included Tennis Channel on a newly created "Ultimate" tier. Verizon, "Verizon FiOS Channel Lineup, Washington Metro Area, Effective January 2010," at [http://www22.verizon.com/NROneRetail/NR/ronlyres/CBD97EFB-9F28-4913-91D7-81F008162AD1/0/WASHMETRO\\_Jan2010.pdf](http://www22.verizon.com/NROneRetail/NR/ronlyres/CBD97EFB-9F28-4913-91D7-81F008162AD1/0/WASHMETRO_Jan2010.pdf) (last accessed Mar. 22 2010), attached at Exh. 18. Tennis Channel has maintained its overall penetration level among Verizon subscribers following the restructuring; that is, Tennis Channel continues to be distributed to \_\_\_\_\_ of Verizon's subscribers. Solomon Supp. Decl. ¶ 23.

<sup>152</sup> Orszag Decl. ¶¶ 12-17; *id.* ¶ 17 n.17 ("the decisions of other cable companies are appropriate for an analysis of whether Comcast discriminated"); Answer ¶¶ 74-75. Equally unavailing is Comcast's innuendo about DIRECTV's \_\_\_\_\_ partial equity in Tennis



the decisions of cable operators doing business in areas where Comcast has no subscribers and no ability to compete for them<sup>153</sup>—and in any case, even these MVPDs’ decisions still fall far short of justifying Comcast’s own conduct. For instance, Comcast states that the majority of large MVPDs carry Tennis Channel on a “sports tier.”<sup>154</sup> But “sports tiers” are not all identical, and many of those on which Tennis Channel is carried are actually general-interest tiers that are distributed far more broadly than Comcast’s narrowly penetrated sports tier. For instance, Tennis Channel is carried on Cox’s Sports and Information tier, a general-interest tier that includes networks such as Fox Business News and Bloomberg and is received in

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Suddenlink’s sports and information tier similarly offers a variety of general interest networks and is far more broadly distributed than Comcast’s sports tier:

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50. Comcast points out that AT&T does not carry Tennis Channel.<sup>157</sup> But AT&T’s carriage decisions cannot be of more relevance than those of Comcast’s much larger,

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Channel. *See* Answer ¶¶ 19-21. In fact, Comcast has not alleged, nor could it, that equity has affected carriage decisions or that, by carrying Tennis Channel discriminating against other services. broader carriage of Tennis Channel simply does not constitute affiliation-based discrimination in Tennis Channel’s favor; indeed, if an ownership share alone proved discrimination in favor of an MVPD’s affiliated networks, Comcast would have no defense in this case. Given Comcast’s failure to show that DIRECTV favors Tennis Channel on the basis of affiliation —something that would require extensive evidence of the sort Tennis Channel itself has presented regarding Comcast—Comcast’s insinuations about the relationship between a fractional, non-controlling ownership interest and carriage are simply irrelevant. Singer Supp. Decl. ¶ 28.

<sup>153</sup> Singer Supp. Decl. ¶ 30.

<sup>154</sup> Answer ¶ 73.

<sup>155</sup> *See* Cox Communications, “Programming & Equipment Rates: Fairfax County” (Feb. 2010), attached at Exh. 14; Singer Decl. ¶ 27 & tbl. 6; Singer Supp. Decl. ¶ 32.

<sup>156</sup> *See* Suddenlink Comms., “Display Channels” (Nashville, N.C.) (last accessed Mar. 18, 2010), attached at Exh. 20; Solomon Supp. Decl. ¶ 23.

<sup>157</sup> Answer ¶ 73.

direct in-region competitors, each of which carries Tennis Channel far more broadly than Comcast.<sup>158</sup> As the Media Bureau has observed when Comcast last “note[d] some small cable operators” in the market in question that did not carry the complaining network, “[w]e do not believe that the decisions of few small cable operators cast doubt on [the network’s] value given the evidence of extensive carriage of [the network] by other MVPDs in [the market].”<sup>159</sup> Here, the evidence of carriage by the largest MVPDs operating in Comcast’s markets is likewise extensive, and it shows that, “relative to its peers . . . Comcast carries Tennis Channel on a tier that reaches about                      of the industry average” and that “Comcast’s principal in-region rivals . . . carry Tennis Channel on a tier . . . that is between                      more highly penetrated than Comcast’s sports tier.”<sup>160</sup>

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51. Comcast suggests that its decision

proves that it is not discriminating against Tennis Channel.<sup>161</sup>

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<sup>158</sup> See Singer Supp. Decl. ¶¶ 30-31 (concluding that Mr. Orszag’s “ranking approach” is “inconsistent with generally accepted economic principles” and “implicitly places equal weight on the carriage decisions of all MVPDs in the peer group, presuming that the decision of an MVPD serving two million subscribers merits as much weight as the decision of an MVPD serving ten million subscribers”). AT&T’s U-verse video service is not available in many of Comcast’s largest markets, including in Philadelphia (where Comcast is based), Washington, D.C., Tampa, Seattle, Minneapolis-St. Paul, and Denver. See Complaint, Exh. 19. It is available in Boston, a market where Comcast is the dominant MVPD, but SNL Kagan reports that it has                      in that market. *Id.* Therefore, although it has about 2.1 million video subscribers, AT&T Inc., Press Release, “AT&T Reports Fourth-Quarter Earnings Growth with a 2.7 Million Net Gain in Wireless Subscribers, Continued Strong Growth in IP-Based Revenues, Record Full-Year Cash Flow” (Jan. 28, 2010), AT&T does not present Comcast with the same competitive pressure that it faces from DIRECTV, Dish Network, and Verizon.

<sup>159</sup> *Omnibus HDO* ¶ 118 n.526; see also *id.* at ¶ 118 n.528.

<sup>160</sup> Singer Supp. Decl. ¶ 26.

<sup>161</sup> See, e.g., Answer ¶¶ 10, 20-21, 54.

**4. Comcast's Affiliation-Based Discrimination Is Unreasonable.**

52. The Complaint has demonstrated that Comcast's affiliation-based discrimination against Tennis Channel is unreasonable: it simply does not align with what a reasonable distributor, considering only the relevant non-affiliation-based factors, would do.<sup>164</sup> Instead, it reflects Comcast's desire to protect its affiliated networks from competition and to increase its power in obtaining sports programming rights.<sup>165</sup>

53. In fact, Comcast's carriage decisions do not even align with the factors that Jeff Shell, president of Comcast Corporation's programming division, claimed were relevant to those decisions. The Complaint showed that Tennis Channel performs as well as or better

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<sup>162</sup> See, e.g., 138 Cong. Rec. S400-01, at S426 (daily ed. Jan. 27, 1992) (statement of Sen. Danforth) (citing case in which cable company TCI wanted to purchase the Learning Channel; "TCI decided that the best way to pick up [the network] was to reduce the value of it by simply dropping it on TCI's cable systems," thus eliminating "one third of the business value" of the network, after which the network was "picked up by TCI"). See also Cable Act, Pub. L. No. 102-385, §§ 2(a)(4)-(5), 12; 47 C.F.R. § 76.1301(a).

<sup>163</sup> See Complaint ¶¶ 73-74, 76; paragraphs 14-15, 19-20, *supra*; Singer Supp. Decl. ¶ 22.

<sup>164</sup> Singer Decl. ¶ 2 ("I would expect a reasonable MVPD in Comcast's position considering the relevant non-affiliation-based factors to carry Tennis Channel in a similar manner" to its affiliated, similarly situated networks.).

<sup>165</sup> Complaint ¶ 76.

than Comcast's affiliated sports networks on each of the Shell metrics: quantity of event coverage, extent of viewer participation in the sport(s) covered, and "value proposition."<sup>166</sup> Tennis Channel has demonstrated its clear superiority over the Golf Channel and Versus with respect to the quality and range of sports event coverage,<sup>167</sup> and it has demonstrated as well that it is, in economic terms, a far more efficient and inexpensive service than either of those networks.<sup>168</sup> With respect to viewer participation, tennis is and has been one of America's most popular participatory sports and is growing in participation at a time when other sports are shrinking.<sup>169</sup> Not only has Comcast not challenged these facts, its own materials aimed at the advertising community embrace the point.<sup>170</sup> Indeed, the public's interest in tennis is quite high. For example, in late 2009, CNN/Sports Illustrated named the 2008 Men's Wimbledon Final the #1 sporting event of the decade, Serena Williams the #1 female athlete of the decade, and Roger Federer the #2 male athlete of the decade.<sup>171</sup> Because Comcast's carriage decisions regarding

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<sup>166</sup> Complaint ¶¶ 77-82.

<sup>167</sup> See paragraphs 6-8, *supra*; see also Complaint ¶¶ 36-44, 79-80.

<sup>168</sup> See paragraphs 22-27, *supra*; see also Complaint ¶¶ 82-93.

<sup>169</sup> Complaint ¶ 81. Golf is losing popularity not just in television viewership but also in "participation . . . on the real links"—and these decreases represent a real "dwindling of interest," not just temporary discontent caused by the fact that golf's "most popular player" has "taken a sabbatical after being engulfed in a sex scandal." Matthew Futterman & Douglas A. Blackmon, "PGA Tour Begins to Pay a Price for Tiger Woods's Transgressions," *Wall St. J.* (Jan. 25, 2010), attached at Exh. 10.

<sup>170</sup> Comcast's interest is reflected in Comcast's own advertising in the trade publication *Sports Business Journal*, which features a tennis player (along with a baseball player and a swimmer) and announces, "No one puts sports together like we do." Comcast Spotlight Advertisement, *Sports Bus. J.*, *supra* note 148. See also Comcast Spotlight, "Sports—Pro Tennis," *supra* note 1.

<sup>171</sup> CNN/Sports Illustrated, "2000s: Top 20 Games/Events," available at [http://sportsillustrated.cnn.com/multimedia/photo\\_gallery/0912/all-decade.best.games.across.sports.2000s/content.20.html](http://sportsillustrated.cnn.com/multimedia/photo_gallery/0912/all-decade.best.games.across.sports.2000s/content.20.html) (last accessed Jan. 27, 2010), attached at Exh. 11; CNN/Sports Illustrated, "2000s: Top 20 Female Athletes," available at <http://sportsillustrated.cnn.com/2009/magazine/specials/2000s/12/19/top.female.athletes/index.html> (last accessed Jan. 27, 2010), attached at Exh. 12; CNN/Sports Illustrated, "2000s: Top 20 Male Athletes," available at <http://sportsillustrated.cnn.com/2009/magazine/specials/2000s/12/21/top.male.athletes/index.html> (last accessed Jan. 27, 2010), attached at Exh. 13.

sports networks are clearly based on affiliation rather than the facts of performance and value, these realities largely have been ignored by Comcast, just as they have been ignored or discounted in Comcast's opposition to the Complaint.

**C. Comcast's Discrimination Significantly and Unreasonably Damages Tennis Channel's Ability To Compete Fairly.**

54. Tennis Channel's ability to compete fairly has been significantly harmed by Comcast's discrimination—shown above and in the Complaint to have been affiliation-based and unreasonable. By carrying Tennis Channel exclusively on the sports tier while carrying its similarly situated networks far more broadly, Comcast has impaired Tennis Channel's overall distribution and has limited its ability to earn license fee revenue; Comcast provides Tennis Channel with far fewer subscribers and lower licensing revenues than it would if carried the network more broadly, thus harming Tennis Channel's ability to invest in its own growth.<sup>172</sup> Comcast's suppression of the network's subscribership is particularly harmful because of Comcast's dominance in key media markets and because of its market leadership.<sup>173</sup>

55. Comcast's discrimination has also impaired Tennis Channel's ability to compete for advertising revenues, since its reduced distribution reduces the value of advertising during its programming.<sup>174</sup> Similarly, Comcast's suppression of Tennis Channel's distribution

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<sup>172</sup> Complaint ¶¶ 85-87.

<sup>173</sup> As some observers noted with respect to Comcast's decision to carry NBA TV on digital basic, "[o]nce the Comcast deal is completed, it's likely that other operators would fall in line, as among cable operators, Comcast tends to set the market." John Ourand & John Lombardo, "NBA TV Near Shift to Comcast Basic Tier," *Sports Business J.* (Mar. 2, 2009), attached at Exh. 6; *see also id.* ("[A]fter carriage battles with top cable operators that lasted for more than a year, the Big Ten Network finally signed a deal with Comcast . . . . In the next two months, almost all the other cable operators in its footprint signed similar deals."); *see also* Complaint ¶¶ 85-87; Singer Decl. ¶ 44.

<sup>174</sup> Complaint ¶¶ 88-92.

has harmed the network's ability to compete for programming rights.<sup>175</sup> And Comcast's discrimination also deprives Tennis Channel of economies of scale, further hindering its ability to compete against Comcast's affiliated sports networks and other sports networks.<sup>176</sup> Comcast has simply not addressed any of these showings—except insofar as it has conceded some of them: it evidently agrees both that it is a market leader and that broader distribution on its systems would contribute to Tennis Channel's ability to obtain more and better programming rights.<sup>177</sup>

56. Comcast's opposition tries to suggest that carriage on its sports tier "represents significant value for Tennis Channel," and even that Tennis Channel might prefer narrow sports tier carriage to broader carriage on a basic tier.<sup>178</sup> Mr. Shell has directly contradicted this in language Comcast cannot explain away: "if you're an ad-supported network" like Tennis Channel, "the sports tier that Comcast has . . . is not viable."<sup>179</sup> Comcast's President Stephen Burke agrees: placement of an ad-supported sports network on a premium sports tier would "affect the network's ability to compete with other networks."<sup>180</sup>

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<sup>175</sup> *Id.* ¶¶ 93-95.

<sup>176</sup> *Id.* ¶¶ 96-97.

<sup>177</sup> Answer ¶ 15 ("Comcast's launch of Tennis Channel . . . helped the network execute its plan to increase content and gain distribution with other MVPDs.")

<sup>178</sup> Answer at 60.

<sup>179</sup> Tr. of R. at 1911:16-1912:6, *NFL Enterprises* Hr'g, Apr. 17, 2009 (testimony of Jeffrey Shell).

<sup>180</sup> Tr. of R. at 1741:12-1742:11, *NFL Enterprises* Hr'g, Apr. 16, 2009 (testimony of Stephen Burke).

57. Comcast attempts to avoid this reality by asserting that other sports networks are also carried on, and attract subscribers to, the sports tier.<sup>181</sup> But, as we have already noted, a number of these networks—the ones in which Comcast has a financial interest—are simultaneously carried on a broader digital basic tier, reflecting another example of Comcast’s preferential treatment of its affiliates.<sup>182</sup> Since one must be a digital basic subscriber to buy the sports tier, it would make no sense for most subscribers to pay extra to get sports-tier duplication of channels already received on digital basic.<sup>183</sup> As Mr. Brooks concluded, “Carrying MLB and NHL on both lineups does not enhance the appeal of the sports tier, it dilutes it.”<sup>184</sup>

58. Comcast ultimately falls back on the notion that because Tennis Channel can reach subscribers through MVPDs other than Comcast, the network’s so-called “competitive challenges” are not Comcast’s fault.<sup>185</sup> The Media Bureau has “reject[ed] this claim because it would effectively exempt all MVPDs from program carriage obligations based on the possibility of carriage on other MVPDs. Moreover, the program carriage provision of the [Communications] Act prohibits an MVPD from discriminating against an unaffiliated programmer regardless of the competition the MVPD faces.”<sup>186</sup> It is perplexing that Comcast would resort to the same failed theory, especially given its dominance: if the nation’s largest

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<sup>181</sup> Answer ¶¶ 115-17.

<sup>182</sup> Brooks Supp. Decl. ¶ 23.

<sup>183</sup> *Id.* (“Comcast’s suggestion that Tennis Channel somehow benefits from placement on an extra-cost sports tier is illogical . . . . Since most subscribers who buy the sports tier also receive the digital basic tier [that includes Comcast’s affiliated sports networks] this means that those networks are exposed to far wider viewership than networks limited to the sports tier alone. Furthermore, dual placement eliminates the incentive for fans of MLB or NHL to buy the sports tier at all, since they can get the networks on the basic lineup without incurring extra cost.”).

<sup>184</sup> *Id.*

<sup>185</sup> Answer ¶¶ 119-120.

<sup>186</sup> *Omnibus HDO* ¶¶ 19, 30, 42, 54.

MVPD cannot, by squelching distribution, hinder a network's ability to compete, then no MVPD could, and Section 616 would be a dead letter.<sup>187</sup>

59. Tellingly, Comcast admits that “[i]t is a reality of the widely competitive video programming market that more distribution will improve a video programming vendor's competitive position.”<sup>188</sup> Having effectively conceded—as common sense requires—that less distribution harms a video programming vendor's competitive position, Comcast is left with the unusual suggestion that Tennis Channel suffers challenges to its competitive position solely because of *other* MVPDs' carriage decisions, while Comcast's suppression of the network's distribution is uniquely harmless.<sup>189</sup>

### **III. NEITHER THE TIMING NOR THE TERMS OF THE AFFILIATION AGREEMENT BETWEEN THE PARTIES PRECLUDES RELIEF FROM COMCAST'S DISCRIMINATORY CONDUCT.**

60. Comcast devotes much of its Answer to discussions about the parties' 2005 affiliation agreement. According to Comcast, the date of that agreement bars Tennis Channel's claim under Section 616, and in any event (again according to Comcast) the claim cannot succeed given what is said to be Tennis Channel's contractual consent to Comcast's behavior. Neither theory can prevail, particularly in light of the Media Bureau's recent rejection of these precise arguments when Comcast last tried to make them.

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<sup>187</sup> See Singer Supp. Decl. ¶ 48 (concluding that, “[b]ecause Comcast's market share of roughly 25 percent of U.S. MVPD subscribers exceeds that 20 percent standard, economists typically would consider Comcast's exclusionary conduct here to be presumptively anticompetitive”). It is also odd that Comcast asserts that it cannot be “blamed for Tennis Channel's claimed deficit in subscribers” on other MVPDs' systems, Answer ¶ 119, since of course it *can* be blamed for all of Tennis Channel's subscriber deficit on Comcast's own systems—the systems that are the subject of this case. (Indeed, there is evidence that Comcast's market dominance also contributes to Tennis Channel's deficit on other cable systems. See, e.g., Singer Decl. ¶ 44.)

<sup>188</sup> Answer ¶ 120.

<sup>189</sup> *Id.*



61. We stress how fundamentally wrong Comcast's error is: this case is not about, and does not involve a request for modification of, the 2005 agreement between the parties. Instead, this case arises from Comcast's discriminatory resolution of a 2009 negotiation between the parties regarding the terms of Comcast's ongoing carriage of Tennis Channel.

**A. The Terms of the Affiliation Agreement Do Not Immunize Comcast from Liability for its Discrimination.**

62. Comcast repeatedly points to one fact that it suggests should terminate the case:

.<sup>190</sup> Comcast's position appears to be that as long as it has not violated the carriage contract, , it can do anything it wants regarding carriage.

63. The Media Bureau has squarely rejected this view:

Whether or not Comcast had the right to [make a particular tiering decision] pursuant to a private agreement is not relevant to the issue of whether doing so violated Section 616 of the Act and the program carriage rules. Parties to a contract cannot insulate themselves from enforcement of the Act or our rules by agreeing to acts that violate the Act or rules.<sup>191</sup>

64. Comcast's argument, in any event, rests on a misreading of what Tennis Channel seeks. Tennis Channel does not seek reformation of its contract with Comcast. Tennis Channel simply asks that Comcast comply with the contract *and Section 616*. Comcast can do so in a number of ways—for example, by

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<sup>190</sup> See, e.g., Answer ¶¶ 1, 14, 59-60.

<sup>191</sup> *Omnibus HDO* ¶ 72. The Commission has made clear that the existence of a contract does not prevent a finding that the MVPD has engaged in misconduct. In reviewing the program access rules, the Commission stated that a complainant “may file a program access complaint after the effective date of the rules alleging that the cable operator’s continued reliance on or enforcement of [a] contract violates these rules.” *Review of the Commission’s Program Access Rules and Examination of Programming Tying Arrangements*, First Report and Order, MB Docket No. 07-198, FCC 10-17, ¶ 64 (rel. Jan. 20, 2010) (“*Program Access Review Order*”).

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Regardless of whether carriage of Tennis Channel on the sports tier was appropriate in 2005—a proposition that is not at issue here—there can be no disagreement that the network has grown as a major sports programmer in all critical respects to the point that such carriage is today decidedly inappropriate, specifically when judged against Comcast’s much broader carriage of its similarly situated affiliated networks and in light of Comcast’s steady improvement of the carriage of those affiliated services while denying similar treatment to Tennis Channel.<sup>193</sup>

**B. The Date of the Affiliation Agreement Does Not Affect the Timeliness of Tennis Channel’s Section 616 Claim.**

65. Comcast also asserts that the Complaint is untimely because it was filed more than a year after the date of the affiliation agreement.<sup>194</sup> This argument also has been rejected by the Media Bureau. Comcast does not dispute that the Complaint, which was filed on January 5, 2010, was filed within seven months of June 9, 2009, when Comcast communicated its decision to refuse broader carriage to Tennis Channel. That decision itself came after several months of discussions aimed at adjusting Tennis Channel’s placement on Comcast’s systems because of Tennis Channel’s radical improvement in service. As the Media Bureau has held, a

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<sup>192</sup> Because the contract permits Comcast to behave consistently with Section 616, and because Comcast has offered no evidence that the agreement included a putative waiver by Tennis Channel of its rights under Section 616 (or even

), there is no evidence that the parties here have “agree[d] to acts that violate the Act or rules,” to borrow the Media Bureau’s phrase. *Omnibus HDO* ¶ 72. But even if they had, the Media Bureau has made clear that Section 616, and not a discriminatory contract, would control. *Id.* This ensures that powerful MVPDs are not able to force programmers to agree to contracts that undermine Section 616’s consumer protections.

<sup>193</sup> See Complaint ¶¶ 36- 44 (describing Tennis Channel’s expansions and improvements).

<sup>194</sup> Answer ¶¶ 30-37.

complaint is timely if filed “within one year of [the act of discrimination complained about] and within one year of [the] pre-filing notice.”<sup>195</sup>

66. Comcast’s reading would limit a network in Tennis Channel’s position to bringing a Section 616 claim only within a year of the date the contract was executed.<sup>196</sup> The Media Bureau has rejected Comcast’s objections to the type of claim Tennis Channel is bringing:

We reject Comcast’s argument that the one-year statute of limitations is triggered by the execution of the agreement because that act did not give rise to the discrimination claim and treating that act as the triggering event here would render Section 76.1302(f)(3) of our rules superfluous and frustrate enforcement of the statute and rules.<sup>197</sup>

As the Media Bureau explained, a network may bring a discrimination claim based on an MVPD’s “refusal to exercise its discretion” to carry a network more broadly after the signing of a contract; a contract may “commit[] Comcast’s future carriage decisions . . . to Comcast’s ‘discretion,’” but that does not mean the network has “waived its statutory program carriage rights with respect to Comcast’s exercise of such discretion” or that the limitations period begins running as of the date of the contract.<sup>198</sup>

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<sup>195</sup> *Omnibus HDO* ¶ 70; *see also id.* at ¶ 38 (noting date “when it became obvious to [complainant] that [MVPD] intended to favor its affiliated . . . service”); *id.* at ¶ 105. The Media Bureau has also held that “the plain language of the Commission’s rules provides that the statute of limitations is satisfied if the program carriage complaint is filed within one year of the pre-filing notice.” *Omnibus HDO* ¶ 38; *see also id.* at ¶¶ 70, 105; 47 C.F.R. § 76.1302(f)(3). Tennis Channel’s Complaint was filed not just within a year of its December 10, 2009 pre-filing notice, but also within one year of an act of discrimination occurring within the term of a contract (and the Complaint does not challenge the provisions of the contract itself)—and as the Media Bureau has made clear in the *Omnibus HDO*, in such cases, the Complaint is timely. *See generally id.* ¶ 70.

<sup>196</sup> Answer ¶¶ 6, 32-36.

<sup>197</sup> *Omnibus HDO* ¶ 70.

<sup>198</sup> *Id.* ¶ 105. Comcast gives short shrift to this holding and instead relies on inapplicable decisions. The authorities cited by Comcast—the “*Part 76 Order*,” the *EchoStar* decision, and the “*Part 76 Recon Order*”—concern the limitations provision relating to first-time offers of carriage (for program carriage complaints, this provision appears at 47 C.F.R. § 76.1302(f)(2)).

67. Comcast's theory of a statute of limitations bar is also incompatible with the purpose of Section 616: it implies that there can be no such thing as a timely Section 616 claim in a case involving a relatively new network trying to get a foothold in the market. New networks often enter into multi-year carriage agreements that afford the distributor tiering flexibility. Absent discrimination, this flexibility allows the MVPD to expand a network's penetration as it develops. But as this case clearly establishes, a discriminatory MVPD could refuse to expand such a network's penetration after the first year of the contract, even as it gives its affiliated services more favorable treatment for the simple purpose of protecting them against the new competition that the unaffiliated network's improvement provides.<sup>199</sup>

68. A network facing this kind of discrimination could never, in Comcast's view, bring a Section 616 claim. If the network were to complain in the first year, the MVPD presumably would argue that the network had not developed enough to be treated in the same way as affiliated networks receiving broader carriage. Yet if the network were to wait until it had achieved significant growth and still was being refused comparable carriage, it would, in Comcast's view, have waited too long. A complaint would, under Comcast's theory, be either too early or too late. This is not, of course, the law.

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None of these decisions alters or applies 47 C.F.R. § 76.1302(f)(3), which is the limitations provision relevant here. *See 1998 Biennial Regulatory Review—Part 76—Cable Television Service Pleading and Complaint Rules*, Order on Reconsideration, 14 FCC Rcd 16433 (rel. Sept. 29, 1999); *EchoStar Communications Corp. v. Fox/Liberty Networks LLC*, Order on Reconsideration, 14 FCC Rcd 10480 (rel. June 30, 1999); *1998 Biennial Regulatory Review—Part 76—Cable Television Service Pleading and Complaint Rules*, 14 FCC Rcd 418, 424, ¶ 18 (rel. Jan. 8, 1999); *see also EchoStar Communications Corp. v. Fox/Liberty Networks LLC*, Memorandum Opinion and Order, 13 FCC Rcd 21841 (rel. Oct. 28, 1998).

<sup>199</sup> Tennis Channel's Complaint does not concern Comcast's treatment of the network immediately after the parties entered into their carriage agreement in 2005. Instead, it is based on Comcast's decision in June 2009—*after* Tennis Channel had clearly improved and warranted broader carriage—to refuse to provide the network with carriage comparable to that provided to Comcast's similarly situated affiliated networks.

69. A significant consequence of Comcast's theory is that an MVPD could discriminate against an unaffiliated programmer with complete impunity, so long as it waits more than a year after the commencement of a contract to do so.<sup>200</sup> It was in response to this very problem—which would “frustrate enforcement of the statute and rules”—that the Media Bureau rejected Comcast's theory of the one-year time limit.<sup>201</sup>

70. In sum, Tennis Channel has done what both good business principles and the policies behind Section 616 and the Commission's rules expect it to do: it focused on improving and better positioning itself to compete on the merits in the marketplace. Having done so, it sought the broader carriage that it now warrants

It engaged in serious negotiations with Comcast regarding expanded carriage. Tennis Channel brought a Section 616 claim because Comcast rejected this request and did so not on the merits, but rather because of impermissible affiliation-based considerations. Tennis Channel promptly filed its Complaint within months of this June 2009 development, and within weeks of the pre-filing notice it provided to Comcast. Comcast thus has no valid objection to the timing of this claim.<sup>202</sup>

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<sup>200</sup> Another effect of Comcast's position would be to encourage relatively nascent networks to ask the Commission to adjudicate discrimination claims before the relevant facts had become sufficiently developed. It is difficult to see how such an approach could promote the purposes of Section 616.

<sup>201</sup> *Omnibus HDO* ¶ 70.

<sup>202</sup> See *Omnibus HDO* ¶ 105 (complaint filed “within one year of [the date negotiations appeared to reach an impasse] and within one year of [the] pre-filing notice” was timely). Even if—despite the plain language of the rule and the Media Bureau's holdings—Comcast were right that 47 C.F.R. § 76.1302(f)(3) only applies where the MVPD has “unreasonably refuse[d] to negotiate,” Answer ¶ 34, Comcast has done just that. Comcast broke off the 2009 negotiations by refusing to deal on reasonable terms, instead rejecting Tennis Channel's proposals—without even making a counteroffer concerning the financial terms it supposedly found insufficient—and offering only to send Tennis Channel on a fool's errand: negotiating with individual systems that had no power to agree to change carriage terms. Solomon Supp. Decl. ¶¶ 5, 8.

#### IV. THE COMMISSION’S GRANT UNDER SECTION 616 OF THE RELIEF SOUGHT IS CONSISTENT WITH THE FIRST AMENDMENT.

71. Comcast wrongly asserts that requiring it to provide the nondiscriminatory carriage sought by Tennis Channel would violate the First Amendment.<sup>203</sup> Comcast has identified no protected First Amendment interest supporting its right to carry affiliated sports programming more broadly than comparable unaffiliated sports programming, particularly where, as here, it is voluntarily carrying the unaffiliated programming in any event. Nor has it identified any specific First Amendment interest it has relating to tennis programming; to the contrary, it has at times carried tennis programming on its own networks, and it has expressed an overall desire to increase its sports programming.

72. In any event, Comcast’s First Amendment theory has been consistently rejected. In addressing a nearly identical theory, the Media Bureau “reject[ed] [the] argument that a mandatory carriage requirement” is “subject to strict scrutiny,” much less “violative of the First Amendment”; it explained, among other things, that the “program carriage requirements . . . regulate speech based on affiliation,” not content.<sup>204</sup> This analysis is consistent with ample precedent establishing that regulation based on ownership affiliation is content-neutral.<sup>205</sup> Consequently, nothing in Section 616’s anti-discrimination provision warrants application of a strict scrutiny standard.<sup>206</sup> Instead, the First Amendment’s intermediate scrutiny standard applies

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<sup>203</sup> Answer at 23; *id.* at ¶¶ 47-49.

<sup>204</sup> *TCR* ¶ 49.

<sup>205</sup> See, e.g., *Time Warner Entm’t Co., L.P. v. United States*, 211 F.3d 1313, 1320-22 (D.C. Cir. 2000) (“*Time Warner I*”); *Time Warner Entm’t Co., L.P. v. FCC*, 93 F.3d 957, 969, 977-78 (D.C. Cir. 1996) (per curiam) (“*Time Warner I*”); see also *Turner Broad. Sys. v. FCC*, 512 U.S. 622, 643-52, 658-59 (1994) (“*Turner I*”); *Program Access Review Order* ¶ 43.

<sup>206</sup> The mere fact that there is some analysis of the programming carried by the unaffiliated and affiliated networks does not make a program carriage decision “content-based” and therefore subject to strict scrutiny; the decision itself is based on affiliation. *TCR* ¶ 49 n.196.

to this provision; the statute and actions under it must be “sustained . . . if [they] advance[] important governmental interests unrelated to the suppression of free speech and do[] not burden substantially more speech than necessary to further those interests.”<sup>207</sup>

73. The first part of this test is easily satisfied. As the courts have recognized, Congress’s goals of promoting diversity and fair competition in the video programming marketplace<sup>208</sup> are plainly important government interests unrelated to the suppression of free speech.<sup>209</sup> The program carriage rules, “by promoting fair treatment of unaffiliated programmers,” promote both of these interests, which remain “substantial” today.<sup>210</sup>

74. The second element of the intermediate scrutiny analysis is also clearly satisfied here. The Media Bureau has explained that ordering carriage, or broader carriage, is a reasonable means of promoting the substantial government interests identified above.<sup>211</sup> Its analysis is consistent with court rulings holding it constitutional to require cable companies to, for example, carry stations they do not wish to carry at all<sup>212</sup> or set aside channel capacity for

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<sup>207</sup> *Turner Broad. Sys. v. FCC*, 520 U.S. 180, 189 (1997) (“*Turner II*”); *see also Turner I*, 512 U.S. at 662; *Time Warner II*, 211 F.3d at 1318; *Time Warner I*, 93 F.3d at 969, 978.

<sup>208</sup> *See* Cable Act, Pub. L. No. 102-385, § 2(b), 106 Stat. 1460, 1463.

<sup>209</sup> *See Turner II*, 520 U.S. at 189-90, 198-200; *Turner I*, 512 U.S. at 662; *Time Warner I*, 93 F.3d at 969, 978.

<sup>210</sup> *TCR* ¶ 49. As the Media Bureau has noted, “competition and diversity in the video programming market have not yet reached the level which Congress intended in passing the 1992 Cable Act.” *Id.* Similarly, the full Commission recently held that “cable operators continue to have an incentive and ability to engage in unfair acts or practices involving their affiliated programming,” that the governmental interest in promoting fair competition in the video marketplace “remains substantial today,” and that “regulations intended to promote competition in the video distribution market in accordance with the objectives of Congress are still warranted.” *Program Access Review Order* ¶¶ 25, 42 & n.172; *see also id.* ¶¶ 7, 26, 30.

<sup>211</sup> *TCR* ¶ 49; *see also Program Access Review Order* ¶ 44.

<sup>212</sup> *See Turner II*, 520 U.S. at 215-16 (upholding must-carry provisions).

use by unaffiliated programmers.<sup>213</sup> Such governmental actions are at least as “burdensome” to the cable operator, if not more so, than the relief sought here: requiring Comcast to treat in a nondiscriminatory fashion a network that it has *already* agreed to carry and which it asserts is *already* “available” to nearly all of its subscribers.

75. Thus, enforcing Section 616 as Tennis Channel seeks here does not violate the First Amendment. Far from it: it serves to “promote[] values central to the First Amendment” by “assuring that the public has access to a multiplicity of information sources.”<sup>214</sup>

**V. BECAUSE THE FUNDAMENTAL FACTS ARE UNDISPUTED, THE BUREAU SHOULD GRANT THE RELIEF REQUESTED BASED ON THE PLEADINGS.**

76. Comcast has not rebutted, and in key respects has admitted, the basic facts establishing its violation of Section 616. Several of its affiliated networks are similarly situated with Tennis Channel, as demonstrated by their competition for the same viewers, advertisers, and programming, and by their popularity. It is undisputed that Comcast provides Tennis Channel with significantly less favorable carriage than it provides its affiliated networks; most glaringly, it distributes Tennis Channel to roughly one tenth as many subscribers as its wholly owned networks the Golf Channel and Versus. Indeed, Comcast does not deny that it carries all of its affiliated sports networks on more favorable terms than it offers to Tennis Channel or virtually any other independent sports network, and that no network in which it has a financial interest is carried in the way in which Tennis Channel is carried.

77. Comcast’s Answer suggests a number of alleged business reasons for Comcast’s different treatment of similarly situated networks, but none of these in fact explains

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<sup>213</sup> See *Time Warner I*, 93 F.3d at 967-71 (upholding leased access provisions). The court in *Time Warner I* also upheld the program access provisions, which impose anti-discrimination and other limits on vertically integrated programmers. *Id.* at 976-79.

<sup>214</sup> *Turner I*, 512 U.S. at 663.



Comcast's behavior—and indeed, Comcast does not even claim to apply the same standards to its affiliated networks as it applies (or claims to apply) to Tennis Channel, which amounts to facial discrimination based on affiliation in violation of the statute.

78. In its Answer, Comcast refers repeatedly to Tennis Channel's supposed dissatisfaction with the 2005 affiliation agreement. But Tennis Channel is not asking the Commission to modify the contract or to order carriage on any particular level of service. Instead, Tennis Channel is asking merely that the Commission order Comcast to treat Tennis Channel in the same way it treats its similarly situated affiliated sports networks. If Comcast carried all of those networks on the same sports tier where Tennis Channel is now carried, or if Comcast had granted Tennis Channel the more favorable carriage it grants to its own networks, Tennis Channel would not have brought this Complaint. As it is, Comcast does discriminate—abusing any discretion it may have under the affiliation agreement—and Tennis Channel has thus been forced to seek the relief contemplated by Section 616.

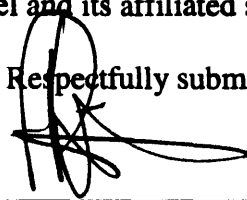
79. Comcast essentially takes the position that it is *never* subject to Section 616 claims—that it has total immunity—because, among other things, carriage is available on other MVPDs; its discrimination occurred more than a year after the affiliation agreement was entered into; and, in effect, a programmer's only remedy for any misconduct is to bring a breach of contract lawsuit. Comcast's approach would render Section 616 ineffective and divest the Commission of jurisdiction over program carriage cases entirely, and it must be rejected.

80. Comcast does not seriously dispute that its restriction of Tennis Channel to the narrowly distributed sports tier harms the network's ability to compete. In fact, its president and its head of programming conceded that carrying an ad-supported network on the sports tier would make it harder if not impossible for that network to compete. Thus, Comcast—

while conceding key facts—relies on erroneous arguments about the applicable legal standard; these arguments can be addressed without further factual development. This case is, therefore, ripe for judgment on the pleadings.<sup>215</sup> Tennis Channel respectfully seeks prompt resolution of this matter so that it may avoid further harm from Comcast's improper acts.<sup>216</sup>

81. For the reasons stated above and in the Complaint, Tennis Channel asks the Commission to hold Comcast in violation of Section 616 and to order Comcast to provide nondiscriminatory carriage to Tennis Channel and its affiliated sports networks.

Respectfully submitted,




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March 23, 2010

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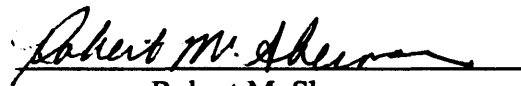
<sup>215</sup> Comcast's argument about the materials included with Tennis Channel's expert analyses, *see* Answer ¶¶ 124-25, does not affect the appropriateness of prompt relief for Tennis Channel. The rules simply require that facts in a complaint "be supported by relevant documentation or affidavit," 47 C.F.R. § 76.6(a)(3), and that the complainant submit "evidence that supports [its] claim that the effect of the conduct complained of is to unreasonably restrain [its] ability . . . to compete fairly," *id.* § 76.1302(c)(3). Tennis Channel has more than satisfied these requirements. Though Tennis Channel believes this case can and should be resolved in its favor on the pleadings and attached evidence, should the case proceed to a hearing, it will naturally follow appropriate discovery procedures.

<sup>216</sup> Should the case be designated for a hearing, Tennis Channel respectfully requests that the hearing designation order limit the hearing to specific factual questions identified as needing resolution, and that it establish a time limit for expedited proceedings, after which the case will return to the Bureau if a Recommended Decision is not issued. *See* Complaint ¶ 105 n.238.

**CERTIFICATE OF SERVICE**

I, Robert M. Sherman, hereby certify that on this 23rd day of March, 2010,  
I caused a true and correct copy of the foregoing Reply to be served by overnight delivery  
upon Comcast's counsel, as follows:

David P. Murray  
Michael Hurwitz  
Amy White  
Willkie Farr & Gallagher LLP  
1875 K Street, N.W.  
Washington, D.C. 20006

  
Robert M. Sherman

March 22, 2010

## **SUPPLEMENTAL DECLARATION OF TIMOTHY BROOKS**

### **I. INTRODUCTION AND ASSIGNMENT**

1. My name is Timothy Brooks. I have been retained by Tennis Channel to respond to the declarations filed on behalf of Comcast Corporation ("Comcast") by Michael Egan and Jonathan Orszag in the matter of The Tennis Channel, Inc. v. Comcast Cable Communications, LLC, as they relate to research matters.

2. My qualifications and *curriculum vitae* have been previously submitted.

### **II. SUMMARY OF CONCLUSIONS**

3. In this action Tennis Channel asserts that Comcast has been discriminatory in its refusal to provide Tennis Channel with the broader carriage it provides to the similarly situated sports networks it owns (such as Golf Channel and Versus) and that is otherwise appropriate in light of Tennis Channel's quality and performance. In my report dated January 4, 2010, I stated that "based on the data I have examined I conclude that Tennis Channel is similar in audience appeal to Golf Channel and Versus. This conclusion is based on , viewer satisfaction scores and other widely accepted measures. Moreover I believe that Tennis Channel has been harmed by its lack of distribution relative to Golf Channel and Versus, in terms of absolute audience levels and therefore revenue. Its popularity within its limited area of availability is evidence of the wider success it would have but for the distribution limitations imposed upon it by Comcast."

4. In regard to research matters, the Comcast response to the Tennis Channel filing rests largely on speculation, unsubstantiated assertions, and in some cases illogical reasoning. The comments submitted specifically addressing Tennis Channel's analysis of third-party ratings and other research data to demonstrate its comparability to the Comcast-owned Golf Channel and Versus are seriously flawed. Certain important data that was submitted by Tennis Channel, specifically Beta subscriber satisfaction data, is not addressed at all. I therefore reaffirm the statements made in my original declaration.

### **III. COMCAST RESPONSES REGARDING THE COMPARABILITY OF TENNIS CHANNEL, GOLF CHANNEL AND VERSUS IN AUDIENCE APPEAL**

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6. The demographics cited by Mr. Egan and Mr. Orszag actually confirm that the three networks are substantially similar in audience composition.<sup>5</sup> This can be readily seen when we include a figure omitted by Mr. Egan and Mr. Orszag, namely the median for each metric. It shows that all three are male composition as well as in income. This is what is important to advertisers and distributors seeking to reach all segments of their audience. Saying that these networks are "not terribly similar"<sup>6</sup> (emphasis in original) is like saying two affluent individuals are not similar because one is slightly richer than the other.

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<sup>1</sup> This is like showing 100 hundred people product "A" and ten people product "B", then saying product "A" is more popular because 50 people (of 100) said they like it, whereas only nine people (of ten) said they like product "B".

<sup>2</sup>

<sup>3</sup>

<sup>4</sup>

<sup>5</sup>

<sup>6</sup>

### Demographics<sup>7</sup>

	All Networks	Tennis Ch.	Golf Ch.	Versus
Male composition				
Household income				

7.

.<sup>9</sup> I then addressed this by citing Beta subscriber satisfaction scores, which document the value of Tennis Channel to Comcast and other MVPDs using a relevant, non-ratings related metric.<sup>10</sup> Mr. Egan and Mr. Orszag do not respond to this. Tennis Channel's satisfaction score among its viewers is the score achieved by any network measured; Tennis Channel in key measures compared to the prior year; Tennis Channel viewers gave the network the dollar value assigned by viewers of any of the 43 networks measured; and Versus, in the parallel Beta Basic Cable Networks study, received satisfaction scores that were those of Tennis Channel in its study, and were from the prior year. (Golf Channel chose not to be measured in these reports.)

#### IV. TENNIS CHANNEL VALUE TO COMCAST

8. Nothing presented by Comcast disproves the assertion that a broadly distributed Tennis Channel would deliver significant value to Comcast if evaluated on a rational business basis that did not prioritize ownership. Mr. Egan advances three criteria he states are customarily used by MVPDs to determine which networks to carry.<sup>11</sup> Without endorsing these criteria, it would appear that even if they are accepted Tennis Channel meets all three.

(a) Content: "Does it bring unique programming to my customers, perhaps serving a niche I currently underserve? Does it have high brand recognition and existing consumer recognition and demand?" Tennis Channel's programming is certainly no less unique than that of the Comcast-owned Golf Channel. The programming offered by each is instantly identifiable from the network's name, and each is the television "home" for its own sport. Neither is duplicated by another network dedicated to the same sport. Versus may be the odd network out on this measure, as its content is not identifiable from its name (and its content in fact has changed over the years). With a little bit of many sports, it is the home of none. Regarding the requirement for consumer demand, the strong Beta

<sup>7</sup> Tennis Channel from Simmons Custom Proprietary Prototype, 2007. Golf Channel and Versus from Simmons NCS 12-Month Fall 2007. All Networks male composition and HH income reflects the median for all 84 networks measured by Simmons in the latter report.

<sup>8</sup> Orszag para. 70.

<sup>9</sup> Brooks III paragraphs 1g, 4a.

<sup>10</sup> Brooks III paragraphs 4a through 4e.

<sup>11</sup> Egan, para. 9.

subscriber satisfaction findings previously cited leave little doubt that subscribers value Tennis Channel--when they receive it.

(b) Ownership and Management. "Do they have a track record of success and the financial resources to stay the course... before reaching operating breakeven?" Neither Mr. Egan nor Mr. Orszag meaningfully contests Tennis Channel on this count.

(c) Cost and Revenue Potential. "How much is the license fee for the service and upon whom is it assessed..." Based on the analysis of Mr. Singer it would appear that because of its lower license fees Tennis Channel would cost Comcast significantly less to carry widely than its more expensive but similarly situated sports networks such as Golf Channel or Versus.<sup>12</sup> In light of of the three networks, this conclusion seems appropriate.

9. Both Mr. Egan and Mr. Orszag refer to "breadth and diversity" as a positive attribute for a network being considered for carriage.<sup>13</sup> This suggests a fundamental misunderstanding of the direction in which television networks of all types have been moving in the last two decades. The "big tent" approach of the broadcast era (1950s-1980s), which was adopted by some cable networks in the early cable era (e.g., USA, TNT, TBS), and in which networks offered a broad range of programming, is clearly on the wane. It has given way to targeted, niche networks specializing in and known for very specific types of programming. As a television historian I have observed and written about repeated examples of this over the last 20 years. With so many choices on the dial a network (especially a cable network) must stand for something specific in order to attract and hold a loyal audience. In my experience viewers today expect a certain type and tone of programming from a network, and are more likely to sample new programs on a network they like than on one they do not.<sup>14</sup> This goes beyond broad categories such as "sports" or "entertainment." Thus USA is now known for light adventure shows built around quirky characters (its slogan is "Characters Welcome"); TNT for more serious drama; and TBS for comedy (slogan: "Very Funny"). All three used to be general appeal networks. The rest of the top ten cable networks are all dedicated to specific types of programming, or niches: Nickelodeon (kids), Nick-at-Nite (oldies), Fox News (news), Adult Swim (edgy cartoons), Cartoon Network (kids' cartoons), A&E (reality), Tru (true crime).<sup>15</sup> Among the top ranked sports networks, Fox Sports en Espanol (Spanish-appeal), GolfTV (soccer), Speed Channel (racing), NFL Network (football) and Outdoor Channel (outdoor sports) all have targeted niches. Most of Comcast's owned networks are similarly specific. Even market leader ESPN is not the exception it might appear to be. It is known for top-tier, big ticket spectator sports such as NFL, NBA, major league baseball, and NASCAR. Sports that do not perform to those levels, such as women's golf and even hockey, have been dropped. Thus the argument that Versus gains by being a collection of various second-tier sports runs counter to the direction that television is taking and that consumers have shown that they want. This argument also contradicts the

<sup>12</sup> Singer Supplemental Declaration, para. 26.

<sup>13</sup> Egan, para. 18, Orszag, para. 39.

<sup>14</sup> In conducting research for Lifetime I observed that in some cases women were more likely to watch the same movie on Lifetime than on another higher-rated network, simply because of Lifetime's imprimatur.

<sup>15</sup> These were the top 10 cable networks among total viewers for the week of February 15-21, 2010, as reported in *Cynopsis*, February 24, 2010.

strengths claimed for Golf Channel, MLB and other targeted sports networks that have been given distribution preference by Comcast. Both in name and in content, Versus stands for "miscellaneous" (even though individual events such as hockey playoffs or the Tour de France--when Lance Armstrong is competing--can draw an audience).

10. Comcast claims that the availability of some Tennis Channel content on the internet reduces the value of Tennis Channel to Comcast.<sup>16</sup> No evidence is presented to support this claim, and indeed my experience is that the current prevailing view in the industry is that selective streaming of content serves to promote the home channel, not cannibalize it. Most networks stream some of their programming (even though their direct revenue is much greater from on-air telecasts than from streaming of the same material). Indeed, Comcast CEO Brian Roberts himself has recently been actively promoting the concept of "TV Everywhere" in which cable content will be made widely available on the internet for his subscribers.<sup>17</sup> Presumably he does not think this will reduce the value of the networks he himself carries.

11. The disparity between online and linear (traditional) viewing is quantified in a major study I helped structure for the Council for Research Excellence in 2008.<sup>18</sup> It used trained observers from Ball State University to shadow individual participants in five markets across the country through a typical day, recording every instance of their exposure to media of any type. The typical respondent turned out to watch 309 minutes per day of live television, plus 15 minutes of DVR viewing. Average exposure to video on a computer was two minutes per day, and this included short-form videos such as are found on YouTube. While this may change in the future, clearly, as of today online viewing of television network programming is still a minor factor.

12. Mr. Orszag states that "key" MVPD competitors to Comcast carry Tennis Channel on tiers with relatively high penetration levels. He further states that "viewers that are most passionate about Tennis Channel (and thus are most likely to make their MVPD choice based on the MVPD's carriage of Tennis Channel) either receive Tennis Channel on a sports tier or have already defected to a competing MVPD."<sup>19</sup> Again no evidence is presented, and this makes no business sense. First, singling out MVPDs with high penetration of Tennis Channel as "key" competitors undercuts his earlier argument that "Comcast's carriage of Tennis Channel is not significantly different than that of other MVPD's."<sup>20</sup> Apparently, in these "key" instances it *is* different. Second, and even more important, if a key competitor offers a service that you don't, and steals customers from you as a result, most businesses would react by offering the service themselves, preferably in an even more attractive package. The assertion that Comcast has decided not to compete is in my experience an unusual response to this situation. Comcast does not ordinarily take this approach with regard to channels that its competitors provide.

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<sup>16</sup> Comcast Answer, para. 84.

<sup>17</sup> "TW, Comcast Prep 'TV Everywhere' Push," Anthony Crupi, *Adweek*, June 24, 2009.

<sup>18</sup> [http://www.researchexcellence.com/committees/mediaconsumption\\_committee.php](http://www.researchexcellence.com/committees/mediaconsumption_committee.php)

<sup>19</sup> Orszag, para. 25.

<sup>20</sup> Orszag, para. 13.



13. Mr. Orszag states that "recently launched sports networks tend to have significantly lower MVPD household penetration rates than do networks launched prior to 2000," and includes a chart showing selected sports networks and their current penetration versus their year of launch.<sup>21</sup> He then goes on to attribute greater distribution of older networks to factors including "greater availability of analog channel capacity for many systems in the earlier periods" and the "greater appeal" of earlier network concepts.<sup>22</sup> No documentation is offered for either assertion. A more relevant analysis would be to look at networks owned in whole or part by Comcast and what their distribution history has been in the 2000s, the period in which Mr. Orszag asserts that distribution gains are difficult to achieve. The MLB Network (not shown on his chart) launched in January 2009 and had \_\_\_\_\_ subscribers by the end of its first year.<sup>23</sup> In June 2009 Comcast announced that it would expand carriage of its NHL Network (launched in 2007), boosting that network's distribution from about two million to eleven million.<sup>24</sup> Comcast's recently launched entertainment networks do not appear to have had difficulty gaining distribution either. Distribution of G4 (launched in 2002) rose from \_\_\_\_\_ homes in its first five years, and TV One (launched in 2004) reached \_\_\_\_\_ in the same span of time.<sup>25</sup>

#### **V. —THE RATINGS ANALYSIS PRESENTED BY COMCAST EXPERTS IS DEEPLY FLAWED**

14. Neither of the Comcast experts has expertise in the field of television audience research as far as I am aware. In contrast, I have had more than 40 years' experience in media research, headed network research departments, served as chairman of the board of major industry research associations, and taught research methodology at the university level. Some of the statements made by Mr. Orszag and Mr. Egan appear to be inconsistent with accepted practices in television research.

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<sup>21</sup> Orszag, para. 33.

<sup>22</sup> Orszag, para. 34.

<sup>23</sup> SNL Kagan 2009, Economics of Basic Cable, p.23.

<sup>24</sup> "Comcast to Carry NHL Network on Digital Classic Tier," John Eggerton, *Broadcasting & Cable*, June 2, 2009.

<sup>25</sup> SNL Kagan 2009, Economics of Basic Cable, p.22.

<sup>26</sup> Egan, para. 20.

16. Mr. Orszag adds that "approximately half of Tennis Channel subscribers are DirecTV subscribers. Because DirecTV markets itself as a sports-oriented MVPD, its subscribers are more likely to be sports enthusiasts than subscribers of other MVPDs."<sup>28</sup> No evidence is offered to support the "sports-oriented" claim, other than some isolated lines from the sports page of the DirecTV website (such claims do not appear on the main marketing page). Nor is any evidence presented that its subscribers are "more likely to be sports enthusiasts." In fact DirecTV offers a wide range of programming, including numerous movie packages since movie enthusiasts are also a major target for MVPDs. Only one of the nine premium tiers offered by DirecTV relates to sports; the others are HBO, Showtime, Starz, Cinemax, Adult, Games, BabyFirstTV and High Definition.<sup>29</sup> Comcast itself cedes no ground to DirecTV as a home for sports, marketing itself aggressively in this regard. An ad for Comcast Spotlight boasted that "cable has more hours of sports programming than any other medium," and Chief Operating Officer Stephen Burke told a reporter "sports is the must-have programming of cable."<sup>30</sup> Finally, in my experience, ratings for most networks are actually lower on DirecTV than on other distributors, because of the very large number of channels offered. Therefore the broad carriage that Tennis Channel has on DirecTV does not appear to significantly benefit its ratings as Mr. Orszag suggests. He offers no evidence that it does so.

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<sup>28</sup> Orszag, para. 75.

<sup>29</sup> [https://www.directv.com/DTVAPP/new\\_customer/base\\_packages.jsp?footernavtype=-1](https://www.directv.com/DTVAPP/new_customer/base_packages.jsp?footernavtype=-1) ("premium" tab), accessed March 3, 2010.

<sup>30</sup> Comcast Spotlight advertisement, "No One Puts Sports Together Like We Do," *SportsBusiness Journal*, March 27, 2006; John Ourand, "Comcast's Burke Takes on Critics of Company's Dual Strategies," *SportsBusiness Journal*, April 13, 2009.

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<sup>31</sup> Egan, para. 23.

<sup>32</sup> Comcast Answer, para. 94; Orszag, para. 73.

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<sup>35</sup> Comcast Answer, para. 94.

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<sup>37</sup> Egan, para. 20.

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<sup>39</sup> Orszag, para. 74.

<sup>40</sup> The Tennis Channel filing was on January 5, 2010, before the availability of fourth quarter data, while the Comcast Answer is dated February 17, 2010.

<sup>41</sup> Brooks Declaration, III paragraphs 2g, and 3a.

## VI. SIGNIFICANT HARM DONE TO TENNIS CHANNEL

23. I stated in my original declaration that "based on my analysis I conclude that the limited distribution of Tennis Channel by Comcast has negatively impacted the network's ability to generate competitive and advertising revenues."<sup>44</sup> The Comcast Response offers no evidence that would alter this conclusion. Comcast's placement of Tennis Channel on an extra cost sports tier, seen by a small minority of viewers, harms Tennis Channel significantly by depriving it of the exposure and casual viewership enjoyed by Comcast's own Golf Channel and Versus. Comcast's suggestion that Tennis Channel somehow benefits from placement on an extra-cost sports tier is illogical. Comcast states that "Tennis Channel derives this benefit from placement on the sports tier channel lineup alongside popular networks like NFL RedZone... , MLB Network, and NHL Network..."<sup>45</sup> No advertiser-supported network wants to be placed exclusively on an extra-cost tier, and those that are placed there suffer as a result. MLB Network and NHL Network, importantly, are on *both* the basic lineup and on the sports tier, as is the NFL Network. Since most subscribers who buy the sports tier also receive the digital basic tier this means that those networks are exposed to far wider viewership than networks limited to the sports tier alone. Furthermore, dual placement eliminates the incentive for fans of MLB or NHL to buy the sports tier at all, since they can get the networks on the basic lineup without incurring extra cost. Carrying MLB and NHL on both lineups does not enhance the appeal of the sports tier, it dilutes it. Rather than enjoying proximity to MLB and NHL where they are most widely exposed, Tennis Channel is located outside their back door.

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<sup>42</sup> Comcast Answer, para. 97, referring to Fine Declaration, para. 8.

<sup>43</sup> Comcast Answer, para. 96.

<sup>44</sup> Brooks Declaration, IV para. 1.

<sup>45</sup> Comcast Answer, para. 111.

24. The placement of Tennis Channel on high channel numbers also damages it. Comcast suggests that its decisions on channel assignment reflect a simple grouping of like-themed networks, but this ignores the fact that some networks (notably those it owns) do get favored treatment by lower channel assignments unrelated to "neighborhooding," while others (those it does not own) do not receive this advantage.<sup>46</sup> The reason for this is clear.

<sup>47</sup> In fact, some cable operators actually sell lower channel positions to networks anxious to increase their audience.<sup>48</sup>

25. Mr. Egan also makes the rather remarkable assertion that Tennis Channel likely benefits from inclusion in limited-distribution sports tiers because viewers there are "pre-qualified sports enthusiasts who have already voted 'yes!' to televised sports programming with their pocketbooks by paying an extra fee for the sports services."<sup>49</sup> Setting aside the issue of which sports services induce a subscriber to pay the extra fee for the tier, the limited take rate for tiers is testimony to the fact that most fans resist them on the basis of cost, not of content. It is well documented that subscribers are angry about the high cost of cable service, and are highly resistant to extra-fee services. Placing a network on an extra-cost tier places a significant barrier between that network and subscribers, even fans of that sport. The ceiling for even the most popular premium service (HBO) is only about one-third of subscribers, and most tiers are bought by far fewer than that. The considerable number of potential viewers who are willing to watch a network once it is broadly distributed and does not cost extra is illustrated by the large audience gains made by networks that have been fortunate enough to move from tier (only) to broad distribution.

I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing is true and correct. Executed on March 22, 2010.

  
TIMOTHY BROOKS

<sup>46</sup> Comcast Answer, para. 110.

<sup>47</sup>

<sup>48</sup> Although distributors do not like to talk about it, this practice is well known in the industry. For a recent example of such activity by Time Warner Cable in New York City see <http://www.phillipdampier.com/blog/2009/07/21/time-warner-cable-scrambles-channel-positions-in-nyc-big-low-channel-numbers/>.

<sup>49</sup> Egan, para. 20.

## Appendix 1

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Tennis Channel, Inc. v. Comcast Cable ) File No. CSR-8258-P  
Communications, LLC )  
 )  
 )

To: Chief, Media Bureau

## REPLY DECLARATION OF HAL J. SINGER

## INTRODUCTION

1. I have been asked by counsel for Tennis Channel, Inc. (“Tennis Channel”) to respond to the report of Comcast’s economic expert, Mr. Jonathan Orszag,<sup>1</sup> and where appropriate to Comcast’s Answer to Tennis Channel’s complaint (“*Answer*”)<sup>2</sup> and to Comcast’s other supporting submissions. In my initial report, I concluded that (a) Comcast’s refusal to carry Tennis Channel on a highly penetrated tier on Comcast’s cable systems constitutes discrimination based on affiliation; and (b) Comcast’s conduct has impaired Tennis Channel’s ability to compete vis-à-vis Comcast’s affiliated, national sports networks for programming, advertisers, viewers, and multi-channel video programming distributors (“MVPDs”). After reviewing Comcast’s *Answer*, Mr. Orszag’s report, and other supporting submissions, I continue to reach the same conclusions.

1. Declaration of Jonathan Orszag on behalf of Comcast Cable Communications, Feb. 11, 2010 [hereinafter *Orszag Declaration*].

2. Answer of Comcast Cable Communications LLC, Feb. 11, 2010 [hereinafter *Comcast Answer*].



2. My conclusion regarding discrimination on the basis of affiliation was based on, among other things, my observations that (a) Comcast-owned Versus and the Golf Channel are carried on Comcast's Standard Service Tier (and all of Comcast's other affiliated sports networks are carried either on an analog or digital basic tier), whereas Tennis Channel is generally carried on Comcast's Sports Entertainment Tier; (b) *none* of the sports networks carried exclusively on Comcast's Sports Entertainment Tier is affiliated with (or owned by) Comcast; in contrast, with the exception of ESPN channels, *all* of the sports networks that are carried on Comcast's Standard Service Tier in the Washington metro area<sup>3</sup> are either affiliated with (and owned by) Comcast (Versus, the Golf Channel, SportsNet Mid-Atlantic), or are carried by Comcast subsequent to the settlement of an FCC program-carriage complaint (MASN); (c) Tennis Channel is similarly situated to Comcast's affiliated, national sports networks carried on the Standard Service Tier, the Golf Channel and Versus, in the sense that (i) all three networks carry "sports and leisure programming" viewed by affluent audiences that skew male and, with respect to the Golf Channel and Tennis Channel, that enjoy participating in the sports they watch on television, (ii) there is between the largest advertisers on Versus and Golf Channel with Tennis Channel's past, current, and recent prospective advertisers, and (iii) Comcast—through Versus and its Comcast SportsNet channels—has competed directly with Tennis Channel for tennis programming rights (the U.S. Davis Cup and World TeamTennis); and (d) there are no viable efficiency justifications for this disparate treatment because, among other factors, (i) Tennis Channel performs equivalently to or better than Comcast's affiliated, national

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3. A review of Comcast's channel lineups in every city in which it owns a regional sports network reveals that Washington, D.C. is representative of how Comcast generally tiers affiliated and unaffiliated sports networks. See Appendix 1. In his report, Mr. Orszag has identified one market (Chicago) in which Comcast carries the Big Ten Network on its Expanded Basic Tier, and one other market (Atlanta) in which Comcast carries the Speed Channel and Fox Sports Net on its Expanded Basic/Digital Starter Tier. *Orszag Declaration* ¶ 64. The fact that Comcast could only identify two examples of systems where it carries a handful of unaffiliated national sports networks more broadly further emphasizes the overall consistency of Comcast's differential treatment of its affiliated sports networks.

sports networks with respect to popularity, pricing, participation, and percentage of event programming, and (ii) MVPDs tend to carry Tennis Channel on more highly penetrated tiers than does Comcast.

3. My conclusion that Comcast's discriminatory treatment impairs the ability of Tennis Channel to compete effectively was based on, among other things, my observations that (a) Comcast is able to prevent Tennis Channel from reaching nearly one-quarter of all MVPD subscribers due to its sheer size; (b) the growth that would accompany access to Comcast's basic subscribers alone would materially improve Tennis Channel's ability to compete effectively for national advertisers and programming content; and (c) because Comcast's carriage decisions are followed by other cable operators, the deficit in Tennis Channel's distribution caused by Comcast's discrimination is likely even larger, further impairing Tennis Channel's ability to compete for both advertisers and programming content.

4. In reviewing Mr. Orszag's report, I identified numerous errors. For example, Mr. Orszag offers a series of irrelevant hypothetical examples and charts, many of which do not relate to the findings in my report or the allegations in Tennis Channel's complaint. Mr. Orszag also uses the fact that Tennis Channel is small and narrowly penetrated to justify the claim that it should stay small and narrowly penetrated. In this reply, I focus on the fundamental problems in his report. The fact that I do not respond to every issue should not be interpreted as an endorsement of his opinions on those issues.

5. The fatal flaw in Comcast's *Answer* and Mr. Orszag's report is that they fail to rebut my conclusion that Comcast applies a *different* standard to Tennis Channel than it does to its affiliated sports networks. It is not sufficient to argue, as Mr. Orszag does, that Comcast earns more by placing Tennis Channel on its sports tier relative to placing it on its basic tier; even if

that were true (and Mr. Orszag offers no evidence in support of this claim), Comcast must show not only that Tennis Channel fails this purported test, but also that its affiliated national sports networks pass the *same* purported test. In the absence of such evidence, it is reasonable to conclude that Comcast is using two different standards—one for affiliated sports networks and another for unaffiliated sports networks. Mr. Orszag would have the Commission believe that the ten sports networks carried exclusively on Comcast’s Sports Entertainment Tier in the Washington metro area (Fox Soccer Channel, Fox College Sports, Tennis Channel, CBS College Sports, GolTV, Speed Channel, Big Ten Network, Horseracing Television, TV Games, NFL Red Zone), *which all happen to be unaffiliated with Comcast*, failed this purported test, while the three sports networks on Comcast’s Standard Service Tier (Versus, the Golf Channel, and Comcast SportsNet), and the non-ESPN sports networks on Comcast’s Digital Classic Tier (MLB Network, NHL Network, and NBA TV), *which all happen to be affiliated with Comcast*, passed this test. Absent discrimination, this pattern is highly unlikely.

6. My report is organized as follows: In Part I, I respond to Mr. Orszag’s arguments relating to similarly situated networks and discrimination on the basis of affiliation.

7. In Part II, I analyze Comcast’s primary efficiency defense for tiering Tennis Channel—namely, that the net present value of carrying Tennis Channel on its sports tier allegedly exceeds the net present value of carrying the network on its basic tier.

8. In Part III, I critique Mr. Orszag’s alternative efficiency justifications. I explain why Mr. Orszag’s handpicked comparisons of Comcast’s carriage decisions to those of other MVPDs are flawed. I also explain how Mr. Orszag’s alternative standard, by penalizing new networks or networks with low penetration, would institutionalize discrimination by using the effects of Comcast’s past discrimination to justify future discrimination.

9. In Part IV, I explain why Mr. Orszag’s supposed “proof” that Comcast lacks any anticompetitive motivation is both irrelevant for the purposes of this proceeding and is flawed as an economic matter. I also revisit the harms to Tennis Channel that flow from Comcast’s discriminatory tiering policy.

## I. THE MEANING OF DISCRIMINATION

10. In this section, I respond to Mr. Orszag’s arguments relating to similarly situated networks and discrimination on the basis of affiliation.

### A. Similarly Situated Networks

11. In my analysis, I considered Comcast’s differential treatment of what I determined to be similarly situated networks. Mr. Orszag also considers the “similarly situated concept,” which he defines as follows:

Restraining a rival network’s ability to compete through discriminatory carriage can benefit the affiliated network or harm consumers only if the rival networks compete with each other in a significant way for viewers, advertisers, or programming carriage rights. Therefore, the definition of ‘similarly situated’ that would inform the economic analysis of incentives to engage in discriminatory carriage conduct is one where two networks are ‘similarly situated’ *if there is significant competition between the networks for viewers, advertisers, or programming carriage rights.*<sup>4</sup>

Under Mr. Orszag’s formulation, two networks are similarly situated so long as they compete in a significant way for any of those things, be they viewers, advertisers, *or* programming suppliers. As demonstrated in my initial report, there is significant competition among Tennis Channel, Golf Channel, and Versus for advertisers, for viewers, and for programming.<sup>5</sup> The fact that NBC owns some programming rights to Wimbledon and the French Open means that, with Comcast’s planned acquisition of NBC, involvement in competition for programming rights has intensified since I filed my initial report.<sup>6</sup>

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4. *Orszag Declaration* ¶ 54 n. 66 (emphasis added).

5. *Singer Report*, ¶¶ 17-22.

6. Comcast asserts that NBC (and *not* Tennis Channel) carries the “marquee [tennis] events.” *Comcast Answer* ¶ 83.

12. As evidence that Tennis Channel is not similarly situated with Comcast's affiliated networks, Mr. Orszag cites slight differences in gender<sup>7</sup> (approximately percent of Tennis Channel's viewers are male, whereas approximately percent of the Golf Channel's and Versus's viewers are male) or uniformity in content (Tennis Channel shows just tennis, whereas Versus shows hockey and bike racing). But each of these three networks skews towards males rather than females.<sup>8</sup> With respect to Tennis Channel's , Mr. Orszag fails to acknowledge that all three of the networks that he considers are with respect to attracting women.<sup>9</sup> He also misses the point that, in addition to competing for the same number of men, the three networks are also competing over women; if those women did not watch the Tennis Channel with the same intensity, the networks would still be competing over the same group of men. Stated differently, adding women to one's audience simply changes the *ratio* of male-to-female viewers, but it does not alter the competition for male viewers, meaning that the same level of competition exists among the networks for male viewers regardless of the number of women who watch the network.

13. With respect to the uniformity of programming, Mr. Orszag argues on the one hand that Tennis Channel carries different programming from Golf Channel and Versus,<sup>10</sup> which presumably makes them different, but later admits that Versus and Tennis Channel both have carried tennis programming.<sup>11</sup> For example, Mr. Orszag's standard appears to shift according to

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7. *Orszag Declaration* ¶ 57 ("In fact, Tennis Channel's female viewership is unusually high for a sports network.").

8. Comcast admits that "[v]iewers of Tennis Channel and Golf Channel are among the highest-income households, a coveted demographic among advertisers." *Comcast Answer* ¶ 99. This assessment is consistent with my original inference that tennis and golf are enjoyed by high-income families, often at private clubs.

9. Supplemental Declaration of Tim Brooks, Section III(5).

10. *Orszag Declaration* ¶ 43 ("Tennis Channel, Golf Channel, and Versus all carry different programming content, and it seems highly implausible that Tennis Channel alone imposes a significant competitive constraint on the carriage or advertising prices charged by Golf Channel and Versus").

11. *Orszag Declaration* ¶ 62 ("But such sharing [of the Davis Cup] may reflect the complementary nature of the channels, instead of competition between the channels").

the context. He finds for instance that Versus is more valuable than Tennis Channel because it offers many different types of sports.<sup>12</sup> But he does not consider whether that standard is satisfied by the Golf Channel, the MLB Network, the NHL Network, or NBA TV, which each focus on one sport. Instead, Comcast's experts argue that, unlike tennis, golf requires expensive equipment, which allegedly makes golf more valuable. It is unclear why equipment expenditures constitute a relevant differentiator for networks in terms of value to MVPDs, but the point is in any event a non sequitur. If equipment expenditures are a key factor in determining the value of a sport, Comcast fails to explain why NBA TV (where the equipment involves a basketball) and MLB Network (where the equipment involves a wooden bat and a leather glove) are carried on Comcast's basic tiers. This *ex post* standard is inconsistent with common sense—if anything, requiring expensive equipment would seem to narrow sports participation and narrow the appeal of a network revolving around that sport.

14. Finally, Mr. Orszag cites survey evidence to support his claim that Tennis Channel is not similarly situated to the Golf Channel or Versus.<sup>13</sup> In particular, Mr. Orszag cites a Simmons Market Research Bureau survey that purports to show that viewers of Golf Channel and Versus were \_\_\_\_\_ tennis generally as viewers of Tennis Channel (Figure 7), and played \_\_\_\_\_ the past twelve months (Figure 6) than viewers of Tennis Channel. It is not at all surprising that people who watch a single-sports network will be heavily interested in the sports that network covers, while the percentage of viewers of *other* networks with an interest in that sport will be somewhat \_\_\_\_\_. Importantly, Mr. Orszag fails to provide comparable data

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\_\_\_\_\_ . *Comcast Answer* ¶ 89. But the fee was likely expensive in part because Tennis Channel exists as a separate entity that competes against Comcast for such rights.

12. *Orszag Declaration* ¶ 39 (“While each individual sport may appeal to a narrow group of fans, by having a ‘multi-sport’ strategy, Versus appeals to a wider range of fans.”).

13. *Orszag Declaration* ¶ 46 (claiming “limited overlap between viewers of Tennis Channel and those of Versus and Golf Channel.”).

on the level of interest in men's and women's golf or hockey (two sports featured on Golf Channel and Versus) among Tennis Channel viewers or ESPN viewers. It is not surprising that the rate of interest in tennis among viewers of Tennis Channel than among viewers who watch Versus or the Golf Channel (which presumably includes Tennis Channel viewers). Nor would it be surprising to find that Tennis Channel viewers are interested in golf but not as interested as viewers of the Golf Channel. The fact that there are some viewers who watch Tennis Channel more than the Golf Channel or vice versa simply means that viewers' preferences differ, but it does not mean that the networks do not compete. Indeed, the advertisers that support each network make purchasing decisions based on their attractive—and similar—demographics.

15. In any case, with respect to the survey results regarding viewer participation in a sport (Mr. Orszag's Figure 6), the fact that so many Tennis Channel viewers play golf ( percent), and so many Golf Channel and Versus viewers play tennis ( and percent) seems to *support* the notion of overlapping viewers. This result is also consistent with the non-refuted proposition that many Tennis Channel viewers are "interested" or "somewhat interested" in golf, and many Golf Channel and Versus viewers are "interested" or "somewhat interested" in tennis. (Mr. Orszag reports results of viewers who were "very interested" in tennis only.) Because these national sports networks are competing directly for both advertisers and viewers, and because Mr. Orszag has not shown that the advertisers I identified as overlapping express any preference for one sport over another,<sup>14</sup> it is not clear why different levels of viewer interest in different sports undermine my conclusion that the three networks are similarly situated.

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14. Comcast argues that of advertising customers, as I found in my original report, is not meaningful because "firms that share customers do not necessarily compete for those customers." *Comcast Answer* ¶ 103 (citing *Orszag Declaration* ¶¶ 59-60). This assertion violates basic economic logic, as it suggests that a profit-maximizing firm would be happy to share its customers with a rival.

**B. Discrimination on the Basis of Affiliation**

16. As indicated in my initial report, non-discrimination means treating similarly situated networks in the same way. Comcast claims to impose a specified standard to determine whether to carry a sports network on its basic tier or on a narrowly penetrated tier. To be non-discriminatory, that standard should be applied equally to each sports network that Comcast carries, regardless of whether those networks are affiliated or unaffiliated. Non-discrimination does not compel Comcast to use a particular standard; rather, it simply requires Comcast to employ an appropriate tiering standard on a uniform basis to affiliated and unaffiliated sports networks. The only caveat to this rule, however, is that Comcast cannot engineer a standard that favors its own sports networks. For example, a standard expressing a preference for golf and hockey programming—that is, programming featured on Comcast’s affiliated sports networks—without an independent justification for that preference would be inherently discriminatory. Similarly, it would be discriminatory for Comcast to adopt a standard that requires a network to have distribution in excess of one quarter of U.S. MVPD subscribers (roughly achieved by carriage on Comcast’s basic tier) to be carried on Comcast’s basic tier.

17. The fallacy of Mr. Orszag’s discrimination analysis is illustrated by a hypothetical example he offers involving two identical country western networks. In his example, Comcast carries one network but not the other for reasons relating to lack of interest in two country western networks. But his example is itself defective because it does not include enough information to understand why Comcast chose one network over the other. The fact that Comcast treats the two country music networks differently constitutes evidence of disparate treatment (the first step of my analysis). What remains to show is on what basis Comcast treated the networks differently (the second step). If the reason is because one country western network is affiliated



with Comcast while the other is not, then Comcast would have discriminated on the basis of affiliation. Mr. Orszag has conflated those two aspects of my analysis.

## II. COMCAST'S PRIMARY EFFICIENCY JUSTIFICATION: NET VALUE PROPOSITION

18. Mr. Orszag reiterates Comcast's primary efficiency defense from its *Answer*. He implies—but fails to demonstrate—that Comcast did not discriminate against the Tennis Channel, because in his view, the net present value of Comcast's carrying Tennis Channel on Comcast's sports tier exceeds the net present value of carrying Tennis Channel on Comcast's basic tier:

Given that Comcast distributes hundreds of networks to subscribers, controlling the license costs of individual networks is an important business strategy for controlling the overall network distribution costs. . . . Incurring such additional costs would be a rational business decision for Comcast only if the increased Tennis Channel distribution would generate a commensurate value to Comcast. The value to Comcast from carrying Tennis Channel on more highly penetrated tiers is a function of a variety of factors, in particular whether the carriage can help Comcast attract and retain subscribers. In other words, if carrying Tennis Channel on highly penetrated tiers would enable Comcast to retain a substantial number of existing subscribers or to capture a relatively large number of subscribers from competitors, Comcast would gain a significant benefit from such carriage of Tennis Channel.<sup>15</sup>

According to Mr. Orszag, so long as Comcast performed this purported test on the Tennis Channel, and so long as Tennis Channel proved to be more valuable for Comcast on the sports tier relative to the basic tier, then Comcast is justified in tiering Tennis Channel. But that conclusion is highly suspect here because Tennis Channel's                      and programming are comparable to those of Versus and the Golf Channel, and Tennis Channel is significantly less expensive. In any case, Comcast has not offered evidence that its distribution division gained economic benefits uniquely as a result of carrying Versus, the Golf Channel, and Comcast's other affiliated sports networks that it does not gain from carrying Tennis Channel.

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15. *Orszag Declaration* ¶ 22.

19. No matter how Comcast's test would turn out (and, importantly, Comcast has not claimed in its *Answer* that it conducted such a test or how, if it did, the test came out), if Comcast failed to subject its affiliated sports networks to the *same* test because those networks were affiliated, then I would conclude that Comcast's discrimination was on the basis of affiliation. Moreover, even if it applied the *same* test, I could conclude that Comcast discriminated on the basis of affiliation if Tennis Channel, Golf Channel, and Versus fared the same under the test but were treated differently.

20. For several reasons, it is unlikely that basic-tier carriage of Tennis Channel would produce fewer benefits to Comcast relative to basic-tier carriage of Comcast-affiliated sports networks. *First*, given the \_\_\_\_\_ sought by Tennis Channel, Comcast would need a trivial benefit to justify carriage of Tennis Channel on Comcast's basic tier. In particular, \_\_\_\_\_ per subscriber per month in order to gain carriage on one of Comcast's basic tiers, Tennis Channel would need to generate roughly \_\_\_\_\_ of benefits to Comcast per subscriber *per year* to recoup Comcast's incremental cost associated with repositioning Tennis Channel on the same tier that it carries Versus and the Golf Channel. Those benefits could take the form of increased advertising revenue, increased subscriber revenue (from increased subscriber retention, increased subscriber attraction, or higher prices), increased incentives for subscribers to upgrade from analog to digital (if Tennis Channel were carried on Comcast's Digital Basic Tier), or increased savings from lower expenditures with the license fees of other networks whose prices would be disciplined by Tennis Channel's improved ability to compete.

21. *Second*, as demonstrated in my initial report, Comcast's tiering decisions vis-à-vis sports networks are remarkably consistent; the odds that Comcast's purported test ruled in *every* affiliated sports network on its basic tier (three for three) and ruled out *every* unaffiliated sports network on its sports tier (ten for ten) are remote. It is more likely that affiliation played a key role in Comcast's tiering decision. Stated differently, to observe such a striking pattern, it is more likely that, in the words of a Comcast executive, Steve Burke, Comcast applied a "different level of scrutiny" to its carriage decisions of unaffiliated networks and employed a more lenient standard (or perhaps no standard at all) for its affiliated networks.<sup>17</sup>

22. *Third*, Mr. Orszag's key defense that Comcast was merely "controlling the overall network distribution costs"<sup>18</sup> cannot explain why Tennis Channel (which would have cost per subscriber per month on one of Comcast's digital basic tiers) was relegated to the sports tier while (a) Golf Channel (at per month) and Versus (at per subscriber per month), and other measures of viewer popularity to Tennis Channel, were carried on Comcast's analog basic tier, and (b) Comcast's other affiliated sports networks (also reportedly in the per subscriber per month range) were carried on the digital basic tier. Why is Comcast willing to incur these programming costs for Golf Channel, Versus, and its other affiliated networks, but not willing to incur these costs for the comparable but unaffiliated Tennis Channel? It is not enough to explain, as Mr. Orszag has, that all programming comes at a cost, because from an economic perspective, Comcast must continually evaluate the efficiency of its carriage decisions (subject to the constraints imposed by the Cable Act), and it must decide *for each of the networks that it carries* to continue to pay the license fees associated with a certain level of carriage. At the end of the day, Comcast must show that the

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17. Transcript of Record, NFL Enterprises LLC v. Comcast Cable Communications LLC, File No. CSR-7876-P, Apr. 16, 2009, 1696:12-15.

18. Orszag Declaration ¶ 22.

*same* rule that is applied to unaffiliated networks is applied to its affiliated networks. But here the evidence is that Comcast has chosen to carry networks more broadly—that is, spend millions of dollars more on them each year—and to carry a but otherwise similarly situated network more narrowly.

23. *Fourth*, Comcast’s decision to re-tier the Golf Channel after acquiring equity in the network—which news reports indicate was repositioned precisely because it performed poorly in terms of popularity<sup>19</sup>—is not reflective of the exacting standards that Mr. Orszag suggests are guiding Comcast’s decision-making.<sup>20</sup> Neither are Comcast’s decisions to carry MLB Network and NHL Network on a broadly penetrated tier shortly after acquiring equity in the networks. If it were true, as Comcast claims, that affiliation had nothing to do with those decisions, then I would not expect Comcast to treat all of its affiliated sports networks one way and to treat all of its unaffiliated sports networks differently with respect to tiering. I also would not expect Comcast to *change* the tiering status of the NHL Network, which was previously carried only on the sports tier, immediately after acquiring equity in it.

24. Although the implication of Comcast’s argument is that Versus and Golf Channel passed the cost-benefit test, while Tennis Channel and nine other unaffiliated sports networks relegated to the sports tier failed, Comcast has not asserted that it considered these same factors when it made carriage decisions for its affiliated networks. I therefore cannot conclude as an economic matter that this test—even if it were economically sound—justified Comcast’s discrimination. That is, an *ex post* explanation for Comcast’s behavior cannot justify the disparate treatment if that explanation did not actually influence Comcast’s decision-making *ex*

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19. Joe Schlosser, *Cable’s class of 1995: A look at how the major cable launches of that year have fared*, BROADCASTING & CABLE, Mar. 17, 1997, at 65.

20. *Orszag Declaration* ¶ 23 (“It would only be rational for Comcast to incur the additional license fees to distribute Tennis Channel on highly penetrated tiers if the carriage generated significant net subscriber additions for Comcast.”).

*ante*. Moreover, evidence that Tennis Channel failed the test by itself would not be sufficient (even if Comcast had offered it); if Comcast's affiliated sports networks also failed the test, or if Comcast did not conduct the test at all because these networks were affiliated, then affiliation and not a supposed cost-benefit analysis explains Comcast's disparate treatment.

### III.COMCAST'S OTHER EFFICIENCY JUSTIFICATIONS

25. In addition to his net present value standard, Mr. Orszag offers several other efficiency justifications. None has merit.

#### A. Comparisons with Other MVPDs

26. In my initial report, I analyzed the carriage decision of other large MVPDs to preempt a possible efficiency defense of Comcast. I found that relative to its peers (defined as MVPDs with over two million basic subscribers as of September 2009), Comcast carries Tennis Channel on a tier that reaches about one third of the industry average excluding Comcast ( ). Importantly, Comcast's principal in-region rivals, Dish, DirecTV, and Verizon, carry Tennis Channel on a tier

that is between

more highly penetrated than Comcast's sports tier. The fact that Comcast competes for the *same* subscribers with DirecTV, Dish, and Verizon implies that the tiering decision of these three in-region rivals with respect to Tennis Channel should be given the greatest weight in any analysis of rival carriage of Tennis Channel. Accordingly, I concluded that the behavior of Comcast's peers does not justify its decision regarding tiering of Tennis Channel.

27. Mr. Orszag has concluded, on the one hand, that the decisions of other MVPDs should not even be considered. Specifically, Mr. Orszag argues that "It is reasonable for different MVPDs to come to different carriage decisions regarding Tennis Channel, depending on the MVPDs' business strategies, geographic territories, judgments about subscriber preferences, and

the terms of their individual affiliation agreements.”<sup>21</sup> In his view, one cannot reasonably compare carriage decisions across MVPDs. Under this approach, one would consider only Comcast’s decision regarding its own carriage of various networks, which as discussed above and noted in my initial report, clearly demonstrate discrimination based on affiliation.

28. Mr. Orszag goes on to note, on the other hand, that some of “the most compelling economic evidence” can be gleaned by looking at what other MVPDs are doing when those decisions support Comcast’s decision vis-à-vis Tennis Channel.<sup>22</sup> In doing so, however, Mr. Orszag ignores facts that undermine Comcast’s argument, such as the fact that Dish Network carries Versus and Tennis Channel on the same general interest tier (and not on a sports tier, as Comcast erroneously claims in its *Answer*),<sup>23</sup> or that DirecTV and Verizon carry Tennis Channel on highly penetrated tiers.

29. Mr. Orszag analysis applies a rankings approach, which shows that Comcast carries Tennis Channel more favorably than three MVPDs but less well relative to five other firms in a peer group of eight MVPDs.<sup>24</sup> In particular, he notes that three cable operators in Comcast’s peer group—Time Warner, Charter, and Cablevision—carry Tennis Channel on a lowly penetrated tier, which he believes justifies Comcast’s discriminatory policy; he concludes that three of eight “is not out of line” with the carriage decision of Comcast’s peers.<sup>25</sup>

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21. *Orszag Declaration* ¶ 15.

22. *Orszag Declaration* ¶ 26 (“In cases where it is not be possible for an outside analyst to assess directly the factors underlying carriage decisions, an examination of the carriage decisions of other major MVPDs is the *most compelling economic evidence*.”) (emphasis added).

23. *Comcast Answer* ¶ 27 (“Around the same time, Dish Network *negatively repositioned* Tennis Channel from its second tier to the premium ‘Classic Gold 250 & Gold HD’ package. This tier is much more comparable to Comcast’s sports tier than to the tier on which Tennis Channel is offered on DIRECTV.”) (emphasis added).

24. *Orszag Declaration* ¶ 18 (“But even if one examines Dr. Singer’s “closest peer” MVPD group, it is apparent that Comcast’s carriage of Tennis Channel is not out of line with the carriage decisions of other MVPDs that are unaffiliated with Golf Channel or Versus. Out of the eight Comcast “peers” listed in Table 6 of Dr. Singer’s declaration,

25. *Id.*

30. But Mr. Orszag's ranking analysis is inappropriate because it treats cable operators as if they are fungible. From a competitive point of view, each MVPD has a different significance. Smaller, out-of-region cable operators like Cablevision (3.1 million basic subscribers) and Charter (4.9 million basic subscribers), which receive disproportionate attention under the rankings approach,<sup>26</sup> cannot be as important as Comcast's largest in-region rivals such as DirecTV, Dish Network, and Verizon—each of which carries Tennis Channel on a highly penetrated tier. Without considering factors such as size or geographic overlap, every MVPD's decision receives equal weight. This makes Comcast's identification of a few MVPDs (albeit MVPDs that do not compete for the same customers as Comcast and are significantly smaller) that it believes support its conclusion far less meaningful. That is particularly true when one considers that there are more MVPDs (particular MVPDs that are larger and that compete directly with Comcast for subscribers) whose decisions undermine Comcast.

31. Mr. Orszag criticizes me for omitting from my analysis AT&T, which does not carry Tennis Channel. I omitted AT&T because, based on the September 2009 subscribership data that I considered, AT&T's subscriber count was slightly below my cutoff of two million basic subscribers.<sup>27</sup> But even if I add AT&T to the analysis, so as to include one more observation in Comcast's favor, then it would not affect my weighted-average carriage statistic in any material way. This is because one must weight AT&T's decision on its number of subscribers, and my analysis already was informed (before including AT&T) by nearly 69 million basic subscribers.

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26. *Orszag Declaration* ¶¶ 13, 14, 47, 67.

27. It is not clear that lowering the cutoff to add AT&T would address Mr. Orszag's concern because he also argues that I set the threshold in my analysis too low, considering MVPDs that serve far fewer subscribers than Comcast. *Orszag Declaration* ¶ 17. As described above, I weighted the analysis to account for this difference between larger and smaller MVPDs.

32. Next, Mr. Orszag tries to explain away the Cox comparison, arguing that Cox and Comcast both carry Tennis Channel on a sports tier. Because more Cox customers happen to take the sports tier than do Comcast customers, he argues, Comcast should not be penalized.<sup>28</sup> But Mr. Orszag neglects to explain that the reason why Cox's sports tier is more highly penetrated is because Cox offers a combined sports-and-entertainment tier, which includes news. In particular, this tier includes ESPN News, ESPN U, Bloomberg, CNN International, G4, and Fox Business Network.<sup>29</sup> It bears noting that Cox places Comcast's affiliated sports networks, Golf Channel and Versus, on this same tier,<sup>30</sup> suggesting that Cox views these networks as being similar to Tennis Channel. In contrast, Comcast discourages its subscribers from taking its sports tier by moving more valuable sports programming, including MLB Network, NBA TV, NFL Network and ESPN U, to more widely penetrated tiers (known as "Digital Starter" and "Digital Classic").<sup>31</sup> Finally, Cox has much smaller basic and expanded-basic tiers, which induces its subscribers to take its sports-and-entertainment tier. The Cox comparison is especially unhelpful to Comcast because it shows how a cable operator that is not affiliated with Comcast's sports networks treats Golf Channel, Versus, and Tennis Channel equally—and provides Tennis Channel with much broader carriage than Comcast, however the tiers are labeled.

33. Mr. Orszag tries to discount DirecTV's decision to carry Tennis Channel on a widely penetrated tier by arguing that DirecTV has uniquely positioned itself as a "leader in

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28. *Orszag Declaration* ¶ 13 ("Cox, which carries Tennis Channel to \_\_\_\_\_ percent of its subscribers, actually carries the programming on its Sports and Information Tier; the fact that Cox's Sports and Entertainment Tier is more highly penetrated than Comcast's Sports Tier is most certainly insufficient to show discrimination based on affiliation.").

29. Cox Programming and Equipment Rates, Fairfax County, Feb. 2010.

30. *Id.*

31. That Comcast duplicates some of these networks on its sports tier, having already added them to the digital tier that the vast majority of its sports tier subscribers receive, neither establishes equivalent treatment nor contributes to any meaningful incentive for its subscribers to pay for its sports tier.



sports.”<sup>32</sup> According to Mr. Orszag, this fact implies that differential “carriage strategies are natural consequences of differentiated services competition.”<sup>33</sup> Contrary to the evidence, Comcast’s suggestion that it is ceding sports leadership to DirecTV, both at the programming level (for sports content) and at the retail level (for sports fans), is inconsistent with its unparalleled success in the video programming marketplace and its articulated interest in sports programming. According to the Commission’s most recent MVPD competition report, Comcast owns eleven regional sports networks (SportsNet Bay Area, SportsNet California, SportsNet Chicago, SportsNet Mid-Atlantic, SportsNet New England, SportsNet Northwest, SportsNet Philadelphia, Sports SouthWest, Comcast/Charter Sports Southeast, SportsNet New York, and Mountain West SportsNet), and two national sports networks (Golf Channel and Versus).<sup>34</sup> As demonstrated in my initial report (Table 1), Comcast also owns an equity interest in several other national sports networks (NBA TV, MLB Network, and NHL Channel). Comcast attempted but failed to acquire the exclusive out-of-market rights to Thursday and Saturday night professional football games and to Orioles and Nationals baseball games.

34. Other facts suggest that Comcast and DirecTV are pursuing comparable strategies with respect to sports programming. In April 2009, Comcast’s Chief Operating Officer, Steve Burke, said “Sports is the must-have programming on cable. One way that you can hedge yourself a bit is to get into it yourself.”<sup>35</sup> Indeed, the acquisition of NBC’s sports programming is one of the most important rationales in Comcast’s pending acquisition of NBC.<sup>36</sup> In its *Application and Public Interest Statement* requesting a transfer of licenses from the Commission,

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32. Orszag Declaration ¶ 15.

33. *Id.*

34. Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming,

35. John Ourand, *Comcast’s Burke takes on critics of company’s dual strategies*, SPORTS BUSINESS JOURNAL, Apr. 13, 2009.

36. *Application and Public Interest Statement, Application for Consent to the Transfer of Control of Licenses from General Electric Company, Transferor, to Comcast Corporation, Transferee*, Jan. 28, 2010, at 50.

Comcast argued that the acquisition will allow the combined firm to expand its footprint in sports programming:

The transaction will allow for NBC's sports programming to be distributed on Versus, Golf Channel, and Comcast's multiple RSNs, where brand identity would be greater and opportunity cost would be lower than if the sports programming were distributed on NBCU's current non-sports networks such as Oxygen, Bravo, or MSNBC. Similarly, by combining the NBC network with Comcast's national sports cable networks, new opportunities will be created for the combined entity to negotiate for broader rights packages and to expand cross-promotion of broadcast and cable sports.<sup>37</sup>

In a press release announcing the acquisition, Comcast and GE acknowledged that the consolidation of sports programming was a key merger-related synergy.<sup>38</sup> Because Comcast and DirecTV are pursuing comparable strategies with respect to sports programming, I continue to believe that DirecTV's carriage decision should be given significant weight.

## **B. Other Metrics of Value**

35. Mr. Orszag offers several other standards for analyzing Comcast's discrimination complaints that are circular—that is, they appear to use prior discrimination to justify future discrimination. They also do not appear to be consistent with generally accepted standards of economic analysis. For example, Mr. Orszag claims that programming expenditures should be used as a proxy for quality.<sup>39</sup> He suggests that MVPDs like Comcast should be free to relegate nascent networks that have smaller programming expenditures to less-penetrated tiers. But Comcast's discriminatory tiering policy reduces Tennis Channel's ability to spend on programming. This standard amounts to a conclusion that big networks should stay big and new competing networks should not be given broad distribution.

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37. *Id.*

38. *GE Comcast Press Release*, Dec. 3, 2009, attached as exhibit to Comcast SEC Form 8K, filed Dec. 4, 2009, at 308 (“A robust sports programming lineup featuring the Olympics (through 2012), NBC Sunday Night Football, NHL/Stanley Cup, PGA Tour, US Open, Ryder Cup, Wimbledon and the Kentucky Derby, Versus, Golf Channel and Comcast's 10 regional sports networks.”).

39. *Orszag Declaration* ¶ 28 (“The programming expenditures incurred by sports networks are likely to be correlated with programming quality, the breadth and intensity of programming appeal, exclusivity of the programming, as well as the quantity of live programming.”).

36. The circular nature of this logic is illustrated by an example. If Comcast forecloses a nascent network from 25 percent of U.S. MVPD subscribers, the attendant reduction in its revenue and ability to compete would make it more difficult for the network to invest in more programming. Using the network's failure to invest as much in programming as it would have if it were more broadly distributed as a justification for distributing it more narrowly would be analytically unsound.

### 1. Programming Expenditures and License Fees

37. Mr. Orszag seeks to justify Comcast's discriminatory tiering policy on the basis of two comparisons. In particular, he plots a network's penetration against two variables: (a) programming expenditures and (b) the ratio of license fee to programming expenditures.<sup>40</sup> His scatter plots invite the reader to fit a "trend line" through the data, which in economic terms would be referred to as a "univariate regression."

38. *First*, Mr. Orszag posits that a network's programming expenditures explain its penetration rate, and that Tennis Channel's allegedly low programming expenditures therefore "justifies" Comcast's decision to tier Tennis Channel.<sup>41</sup> But the data that Mr. Orszag analyzes do not appear to support his conclusion. Indeed, unaffiliated networks are situated far from the implied "trend line." NFL Network spends the most on programming (roughly ) but

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40. Mr. Orszag criticizes me for using a similar metric— to compare the relative value of Tennis Channel to Comcast's affiliated national sports networks. It is not clear why his metric of value, which also uses the license fee per subscriber in the numerator, is more reasonable. Comcast claims that my is irrelevant because a "more reasonable cost/value analysis would take into account, at a minimum, a network's licensing fees . . ." *Comcast Answer* ¶ 90. But licensing fees is the *numerator* of my metric of value.

41. *Orszag Declaration* ¶ 32 ("The data in Tables 2A and 2B show that a network's programming expense is highly correlated with both its average license fee and its MVPD household penetration."). It bears noting that the programming expenditures that Mr. Orszag provides for Versus do not match up with the Kagan data that he cites. *See id.* (claiming programming expenditures for Versus of million and in 2008 and 2009, respectively). Compare with SNL KAGAN, *ECONOMICS OF BASIC CABLE NETWORKS*, at 585 (showing programming expenditures for Versus of million and million in 2008 and 2009, respectively). Accordingly, it appears that Mr. Orszag has inflated Versus's programming expenditures by between , which makes the comparison look more favorable to Comcast.

has modest penetration ( ), while ESPN News spends little on programming ( ) yet has very high penetration ( ). Moreover, reality television shows and talent competitions are extremely popular—that is, are highly valued by viewers, advertisers, and distributors—yet often cost relatively little to make. Thus, the fact that a network spends a lot on programming is not critical to its success. In any event, Tennis Channel has acquired the rights to every major tennis event in the world.<sup>42</sup> The fact that it has been able to negotiate favorable financial terms for those rights does not mean that the programming is less valuable to viewers or that the network is less valuable to MVPDs. To the contrary, paying more than the market price for programming could be a negative factor in the carriage analysis that Comcast’s own expert has advanced.<sup>43</sup>

39. *Second*, Mr. Orszag suggests that a network’s license fee per subscriber divided by its programming expenditures (scaled in billions) also explains penetration and thereby justifies Comcast’s tiering policy.<sup>44</sup> All things equal, a network with a lower score is more valuable to an MVPD according to this ranking. Mr. Orszag’s Figure 5 shows that the ratio of Tennis Channel’s license fee per subscriber to its programming expenditure ( the same ratios for NHL Network ( and NBA TV ( —yet Comcast carries NHL Network and NBA TV, both of which are Comcast-affiliated networks, on a more highly penetrated tier (Digital Classic) than it carries Tennis Channel (Sports Entertainment).

40. Moreover, the ratio of programming expenditures (or license fee divided by programming expenditures) to subscribers is likely lower for larger networks due to economies

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42. See Declaration of Ken Solomon ¶ 4.

43. See Declaration of Michael Egan ¶ 9.

44. *Orszag Declaration* ¶ 36 (“The value of carriage to an MVPD is based on MVPDs’ business judgment, but may also be measured, albeit imperfectly by a network’s programming expenditures. Thus, one potentially useful objective measure of cost relative to the value of carriage is the ratio of the network’s average license fee per subscriber to its programming expenditure.”).

of scale, as large networks can spread their fixed costs over a greater number of customers. Moreover, a network with access to more viewers becomes more valuable to advertisers due to the two-sided nature of the market (one side being the advertisers and the other being viewers); this in turn justifies and provides revenues in support of further investment in programming to attract more viewers.<sup>45</sup> But Comcast's discriminatory conduct here prevents Tennis Channel from enjoying these economies of scale and network effects, which has the effect of making Tennis Channel look "worse" according to Mr. Orszag's valuation metric.

41. Economists refer to the problem of inferring causality from interdependent variables as "endogeneity" or "simultaneity" bias. Because Comcast's discriminatory conduct artificially deflates Tennis Channel's programming expenditures, the ratio of license fees to programming expenditures is an "endogenous variable"—that is, Mr. Orszag's variable that allegedly explains variations in a network's penetration is itself a function of the challenged conduct (discriminatory tiering). Accordingly, Mr. Orszag's analysis cannot distinguish whether (a) a network's high licensee fee and/or low programming expenditures is causing its low penetration; or (b) an MVPD's discriminatory tiering policy (which lowers penetration) is causing the higher license fees and/or lower programming expenditures.<sup>46</sup> Mr. Orszag's analysis is consistent with both explanations, and therefore sheds no light on the inquiry.

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45. Jean-Charles Rochet & Jean Tirole, *Two-Sided Markets: A Progress Report*, 37 RAND JOURNAL OF ECONOMICS, 648 (2006).

46. Regression analyses are useful for drawing inferences about causality only under certain circumstances. One problem that can undermine the usefulness of regression is known as "simultaneous causality." *See, e.g.,* JAMES H. STOCK & MARK W. WATSON, INTRODUCTION TO ECONOMETRICS 251 (Addison Wesley 2003) ("[W]e have assumed that causality runs from the regressors to the dependent variable (X causes Y). But what if causality runs from the dependent variable to one or more regressors (Y causes X)? If so, causality runs "backwards" as well as forwards, that is, there is simultaneous causality. If there is simultaneous causality, an OLS regression picks up both effects so the OLS estimator is biased and inconsistent.").

## 2. Year of Launch

42. Mr. Orszag also claims that carriage decisions can be justified on the basis of the year of a network's launch,<sup>47</sup> with networks launched before 2000 allegedly having preference over newer networks. As an economic matter, this year-of-launch standard does not make sense. Mr. Orszag does not explain why it would follow that Comcast subscribers would prefer Versus and the Golf Channel, which were launched before 2000, to Tennis Channel, which was launched after 2000, assuming that all three networks were available on Comcast's Basic Tier. Moreover, Mr. Orszag's year-of-launch theory is undermined by Comcast's decision to add the NHL Network, a nascent network launched after 2000, to its Digital Classic Tier about a month after it refused to reposition Tennis Channel . It is also inconsistent with Comcast's decision to launch another new network, the MLB Network, on its Digital Classic Tier in 2009 after acquiring equity in the network and to launch a new Olympic Network on a basic tier in 2010 (even though that network would not have had the rights to offer live coverage of the 2010 Winter Olympics). If Comcast really penalizes nascent networks under this purported year-of-launch standard, then Comcast appears to grant those networks a waiver on the basis of affiliation—further evidence that Comcast's tiering decisions are based on affiliation.

## IV. COMCAST'S DISCRIMINATORY MOTIVATION

43. Mr. Orszag argues that Comcast could not benefit from discrimination against Tennis Channel, and that Tennis Channel could not be harmed. He is wrong on both counts.

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47. *Orszag Declaration* ¶ 35 (“Thus, the analysis of sports networks’ year of launch is another factor that helps to explain MVPDs’ decisions to carry Golf Channel and Versus on more highly penetrated tiers and Tennis Channel on less penetrated tiers or not at all”).

### A. Benefit to Comcast

44. Mr. Orszag argues that Comcast lacks any anticompetitive motivation,<sup>48</sup> because it allegedly would not have benefited from discriminating against Tennis Channel. Before addressing the merits of this argument, it bears noting that the economic analysis that I offered in my report is not influenced by whether Comcast benefitted from its behavior. Instead, I was asked to consider three questions: (1) whether Comcast discriminated against Tennis Channel in May 2009, (2) whether that discrimination was based on Tennis Channel's lack of affiliation with Comcast, and (3) whether that discrimination unreasonably harmed Tennis Channel's ability to compete. None of these questions turns on benefits to Comcast as a result of its conduct.<sup>49</sup>

45. Mr. Orszag argues that it would be worthwhile for Comcast to discriminate against Tennis Channel if and only if, as a result of that discrimination, Comcast could immediately raise the price of advertisements on the Golf Channel or Versus.<sup>50</sup> This is incorrect for at least three reasons. *First*, limiting Tennis Channel's distribution depresses Tennis Channel's advertising revenues, thereby preventing it from becoming a more significant competitor that ultimately could constrain Comcast's own advertising revenues. *Second*, Comcast would benefit from discrimination in the short term if doing so would protect its market share—that is, reducing the number of networks competing for the attention of sports viewers and advertisers and thereby allowing Comcast to maintain the *quantity* of advertisements sold at a given price. There is no requirement that Comcast's *prices* be higher for the conduct to be

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48. Orszag Declaration ¶¶ 42-47.

49. Comcast argues that proof of discriminatory motive is an essential element in an FCC carriage complaint. Comcast Answer ¶ 43 (citing *Int'l. Bhd. of Teamsters v. United States*, 431 U.S. 324, 325 n. 15 (1977)).

50. Orszag Declaration ¶ 10 ("Given the large number of networks that offer sports programming, prices charged to advertisers and MVPDs by Golf Channel and Versus cannot reasonably be constrained by the presence of Tennis Channel on a more highly penetrated tier, and therefore, Tennis Channel's entire theory of discriminatory intent (i.e., that Comcast keeps Tennis Channel on its Sports Tier to benefit Golf Channel and Versus) is contradicted by Tennis Channel's own expert, Dr. Singer.").

profitable. *Third*, absent higher advertising prices for its affiliated sports networks in the long run, and absent higher market share in the short run, Comcast still could be motivated by a desire to reduce Tennis Channel's ability to compete to make it easier for a Comcast affiliated network to secure tennis programming in the future.

46. In its *Answer*, Comcast suggests that Tennis Channel must be the *only* source of advertising competition to Golf Channel and Versus in order for Comcast to be motivated for anticompetitive reasons.<sup>51</sup> Even Mr. Orszag will not go this far, recognizing that if there are a few other networks, Comcast could be motivated for anticompetitive reasons:

Under standard economic theory, Comcast could only plausibly have an incentive to discriminate against Tennis Channel in favor of its affiliated networks, Golf Channel and Versus, if Golf Channel or Versus faced significant competition for viewers and advertisers from Tennis Channel and no other network (*or few other networks*).<sup>52</sup>

Comcast and its expert argue that because it is such a crowded field, Comcast could never be found liable of discrimination. This conclusion is economically imprecise. Setting aside the other benefits described above, Comcast could benefit from its discriminatory tiering policy in the short run if Tennis Channel imposes *some incremental pricing constraint* on Golf Channel and Versus over and above the constraint that it imposed by other national sports networks.

47. A numerical example makes this clear. Suppose that in the absence of ESPN and Tennis Channel, the Golf Channel could charge \$100 for an advertisement; in the absence of Tennis Channel but in the presence of ESPN, the Golf Channel could charge \$90; and in the presence of both Tennis Channel and ESPN, the Golf Channel can charge only \$80. One can infer from these parameters that the *incremental* pricing discipline imposed by Tennis Channel on the Golf Channel is \$10 (equal to \$90 less \$80). Under Comcast's artificial framework, however, unless it could be shown that Tennis Channel is the only source of competitive

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51. *Comcast Answer* at 42 ("Golf Channel and VERSUS Do Not Compete Uniquely With Tennis Channel.").

52. *Orszag Declaration* ¶ 42 (emphasis added).



constraint, one must infer that Comcast lacks any anticompetitive motivation to tier Tennis Channel. As demonstrated in my initial report, Tennis Channel draws heavily from the same base of customers that advertise on Versus and the Golf Channel (*see* Tables 2 and 3), which implies that the three networks compete for advertisers and thereby impose some degree of price discipline on advertising rates. The fact that the incremental price effect imposed by Tennis Channel on Comcast's affiliated sports network is not equal to the difference between the monopoly price (\$100 in my example) and the competitive price (\$80 in my example) is irrelevant.

## **B. Harm to Tennis Channel**

48. Finally, Mr. Orszag concludes that Comcast cannot harm Tennis Channel because Comcast controls a network's access to "only one quarter" of U.S. households.<sup>53</sup> Comcast is the largest MVPD in the United States. A conclusion that Comcast is too small to harm a network's ability to compete would mean that no MVPD could ever harm a network, because no MVPD is bigger than Comcast. In any case, competition scholars have concluded that 20 percent constitutes a significant foreclosure share.<sup>54</sup> The reason why 20 percent is considered critical is that, in the presence of economies of scale, missing out on such a large portion of the market can inflate a rival's average costs. Because Comcast's market share of roughly 25 percent of U.S. MVPD subscribers exceeds that 20 percent standard, economists typically would consider Comcast's exclusionary conduct here to be presumptively anticompetitive. Moreover, as demonstrated in my report, the actual foreclosure share may exceed Comcast's market share to the extent Comcast is acting in coordination with other vertically integrated MSOs as part of a

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53. *Orszag Declaration* ¶ 10 ("Comcast accounts for roughly only one quarter of all MVPD subscribers; Tennis Channel, therefore, does not need to rely on Comcast to gain wide distribution of its network.").

54. *See* PHILLIP AREEDA, IX ANTITRUST LAW 375, 377, 387 (Aspen 1991) (indicating that 20 percent foreclosure is presumptively anticompetitive); *See also* HERBERT HOVENKAMP, XI ANTITRUST LAW 152, 160 (indicating that 20 percent foreclosure and an HHI of 1800 is presumptively anticompetitive).

reciprocal compensation strategy, or other MSOs are following Comcast's tiering strategy, or both.<sup>55</sup>

49. Finally, the fact that Tennis Channel could employ counter-strategies to reduce the effect of Comcast's conduct does not, as Mr. Orszag suggests, mean that no discrimination occurred or that Tennis Channel was not harmed in its ability to compete effectively.<sup>56</sup> The possibility that these costly marketing activities might restore some of Tennis Channel's losses, however, does not negate the fact that Comcast's refusal to carry Tennis Channel on its basic tier impairs Tennis Channel *relative to a world without Comcast's discriminatory conduct*. Indeed, to the extent that Comcast's discriminatory conduct causes Tennis Channel's incremental costs to increase, as Mr. Orszag's proposed remedies imply, then the increased expenditures on these activities are the very manifestation of the anticompetitive harm that Mr. Orszag denies; with those inflated incremental costs, Tennis Channel is a less effective competitor to Golf Channel and Versus. In addition to raising its incremental costs, Tennis Channel also suffers harm in the form of reduced operating scale, which leads to greater average costs—a point that Mr. Orszag does not address. Were it not for Comcast engaging in this discriminatory tiering strategy, Tennis Channel would be in a *better* position to compete for advertisers and for programming suppliers.

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55. Mr. Orszag claims that I have not provided any substantial evidence for the claim that vertically integrated cable operators make carriage decisions in a coordinated fashion. *Orszag Declaration* ¶¶ 79-80. Mr. Orszag discounts the findings of an academic paper, which concludes: "These [empirical] results make credible an underlying premise of a 30 percent national market share limit that the Federal Communication Commission established in 1993: namely, *that MSOs may tacitly collude in their carriage decisions*, having the effect of restricting market access to startup cable networks in which those MSOs have no ownership interest." See Jun-Seok Kang, Reciprocal Carriage of Vertically Integrated Cable Networks: An Empirical Study, Indiana University Working Paper, August 30, 2005, at 1 (emphasis added). Moreover, Comcast appeared to act in concert with other cable operators in its dealings with the NFL Network. See Transcript of Record, NFL Enterprises LLC v. Comcast Cable Communications LLC, File No. CSR-7876-P, Apr. 16, 2009, 1277: 10-1279:10 (Paul Tagliabue testimony describing Comcast CEO Brian Roberts' suggestion that the NFL's relationship with the "cable industry" would not be "positive" on a going-forward basis.)

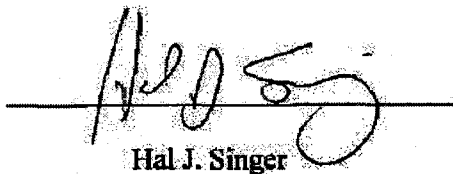
56. *Orszag Declaration* ¶ 83. For example, he suggests that Tennis Channel can overcome this gaping coverage gap by (a) increasing its programming expenditures by acquiring rights to more tennis tournaments, (b) decreasing its license fee, (c) increasing awareness and viewer demand for the network, (d) increasing its sales efforts and undertake marketing campaigns, and (e) providing more financial incentives to MVPDs for wider distribution, presumably in the form of granting equity..

### CONCLUSION

50. As I explained in my initial report, I have concluded that (a) Comcast treated Tennis Channel differently from similarly situated networks that are affiliated with Comcast; (b) the reason for this disparate treatment is that Tennis Channel is unaffiliated with Comcast; and (c) the resulting discrimination unreasonably harms Tennis Channel's ability to compete effectively. After reviewing the responses submitted by Comcast and Mr. Orszag, I continue to believe that these conclusions are correct. I am not persuaded by Comcast's claims that carriage of Tennis Channel on the sports tier is more profitable than carriage on the basic tier because, rather than presenting data in support of this claim, Comcast is simply asking the Commission to "take its word for it," and because Comcast does not appear to have subjected its affiliated sports networks to the same standard. I also believe that Mr. Orszag's method for evaluating a network's penetration on the basis of variables (like programming expenditures) that are clearly affected by the challenged conduct is analytically unsound. For these reasons and others detailed in my reply, I find Mr. Orszag's analysis unpersuasive.

\* \* \*

I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing is true and correct. Executed on March 23, 2010.



Hal J. Singer

## APPENDIX 1: COMCAST'S TIERING DECISIONS OF SPORTS NETWORKS BY MARKET

51. Rather than explaining the obvious pattern of disparate treatment exhibited by Comcast in Washington, Mr. Orszag claims that Washington is not representative of Comcast's general carriage tendencies.<sup>57</sup> He cites Comcast's carriage of the Big Ten Network, an unaffiliated RSN, on Comcast's Expanded Basic Tier in Chicago. But this does not conflict with Washington, as Comcast also carries MASN, an unaffiliated RSN, in Washington on its Expanded Basic Tier. Given the must-have nature of regional sports programming, it is not surprising that Comcast affords, albeit begrudgingly,<sup>58</sup> those unaffiliated sports networks the same treatment as it affords its affiliated RSNs. The other alleged "anomaly" that Orszag thinks he has uncovered is Comcast's carriage of Speed and Fox Sports Net, two unaffiliated national sports networks, on Comcast's Expanded Basic Tier in Atlanta. Of course, both of those "anomalies" can be explained by the fact that these networks are wholly owned by News Corp., which previously owned DirecTV. At the time when those deals were struck, News Corp. had leverage over Comcast that is unavailable to Tennis Channel or any other unaffiliated national sports network, as News Corp. could threaten not to carry Comcast's affiliated sports networks on DirecTV if Comcast refused to carry News Corp.'s sports networks on highly penetrated tiers.

52. To assess whether Washington was in fact representative of Comcast's general tiering policy, I studied the cable operator's channel lineup in several large markets. Table 1 shows Comcast's tiering decisions in each of the eleven markets in which Comcast owns an affiliated RSN.

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57. *Orszag Declaration* ¶ 64.

58. Bob Fernandez, *Comcast, Big Ten reach pay-TV deal*, PHILADELPHIA INQUIRER, June 20, 2008 (a spokesperson for the Big Ten Network was quoted as saying: "Comcast wouldn't sign a deal because the Philadelphia company [that is, Comcast] didn't own at least part of the new network, and it was treating the new network differently than Comcast's own sports networks, Versus and the Golf Channel, which have limited audiences and low ratings.").

TABLE A1: COMCAST'S TIERING DECISIONS IN MARKETS WHERE COMCAST OWNS AN RSN

City	Carry <i>Affiliated</i> RSN on expanded basic/digital starter tier?	Carry <i>Unaffiliated</i> RSN on expanded basic/digital starter tier?	Carry <i>Unaffiliated</i> National Sports Network Other than ESPN on expanded basic/digital starter tier?	Carry <i>Affiliated</i> National Sports Network on Sports Entertainment Tier
Washington	Yes (SportsNet MidAtlantic)	Yes (MASN)	No (ESPN, ESPN2)	No
Chicago	Yes (SportsNet Chicago)	Yes (Big Ten)	No (ESPN, ESPN2)	No
Atlanta	Yes (Sports Southeast)	Yes (SportsSouth*)	Yes (ESPN, ESPN2, Speed*, Fox Sports Net*)	No
San Francisco	Yes (SportsNet Bay Area, SportsNet California)	NA	No (ESPN, ESPN2)	No
Sacramento	Yes (SportsNet California, SportsNet Bay Area, SportsNet Plus)	NA	Yes (ESPN, ESPN2, Speed*)	No
Houston	Yes (SportsNet New England)	Yes (NESN)	No (ESPN, ESPN2)	No
Portland	Yes (SportsNet Northwest)	Yes (FSN*)	Yes (ESPN, ESPN2, FSN*)	No
Philadelphia	Yes (SportsNet Philadelphia)	NA	No (ESPN, ESPN2)	No
Houston	Yes (Sports SouthWest)	Yes (Fox Sports Houston*)	No (ESPN, ESPN2)	No
Carmel	Yes (SportsNet New York)	Yes (MSG, MSG Plus)	No (ESPN, ESPN2)	No
Denver	No**	Yes (Fox Sports Rocky Mountain*, Altitude)	No (ESPN, ESPN2)	No
Conform to Washington?	9 of 10	7 of 7	7 of 10	10 of 10

Notes: \* Affiliated with News Corp. \*\* MountainWest Sports Net, which is jointly owned by Comcast and CSTV Networks, is available on Comcast's "Digital Preferred Tier."

As Table 1 shows, Washington is highly representative of Comcast's general tiering tendencies. In Washington, Comcast carries its affiliated RSN (SportsNet MidAtlantic) on its Expanded Basic Tier. In nine of the ten other markets, Comcast does the same. In Washington, Comcast carries an unaffiliated RSN (MASN) on the same tier. In seven of the other seven markets in which Comcast has the opportunity to carry an unaffiliated RSN, Comcast does the same. In Washington, Comcast carries independent sports networks on its Expanded Basic Tier if and only if they are part of the ESPN family. In seven of the ten markets in this sample, Comcast does the same. Mr. Orszag spotted one exception (Atlanta), and that exception appears to be replicated in Sacramento (Comcast carries Speed on its Expanded Basic Tier) and in Portland

(Comcast carries FSN on its Expanded Basic Tier). Finally, in Washington, Comcast's sport tier is filled with independent sports network only. In ten of ten markets, Comcast does the same.

**SUPPLEMENTAL DECLARATION OF KEN SOLOMON**

I, Ken Solomon, hereby declare:

1. I am the Chairman and Chief Executive Officer of The Tennis Channel, Inc. ("Tennis Channel"). I have reviewed the Answer of Comcast Cable Communications, LLC ("Comcast") to the program carriage complaint that Tennis Channel filed against it before the FCC.

**Comcast's Unilateral Termination of Negotiations In June 2009**

2. In its Answer and in an attached declaration from Comcast's Executive Vice President of Content Acquisition, Madison Bond, Comcast misstates several aspects of discussions that I had with Mr. Bond during May and June 2009 about the terms on which Comcast would carry Tennis Channel.

3. Comcast's Answer takes issue with my claim that Mr. Bond demanded that Tennis Channel give Comcast a financial "incentive" in exchange for broader carriage, although Mr. Bond does not deny in his declaration that he said this. I remember the demand particularly because Mr. Bond explained that he thought that providing a greater financial incentive to Comcast would have implicated Tennis Channel's "most favored nations" clauses with other distributors and would be too expensive for Tennis Channel. I also remember mentioning that Tennis Channel was already giving Comcast a significant incentive because

4.

According to our calculations based on published pricing figures, Comcast's 2010 license fees for Versus will be more than , and its Golf Channel fees will be about

5. In light of Mr. Bond's demand,

6. Comcast's submission offers a number of reasons that Comcast claims justify its denial of Tennis Channel's request but that Mr. Bond never offered as reasons for his decision. Indeed, these excuses are factually unfounded. For instance, Comcast compares Tennis Channel's event coverage to the Golf Channel's event coverage and claims that the Golf Channel's coverage is more favorable because it offers "live-from" coverage—that is, interviews or other reporting from outside of an event rather than coverage of the event itself. My understanding is that the Golf Channel offers this kind of coverage for some important events for which it does not have telecast rights and that the Golf Channel does not offer even "live-from"



coverage of every major golf event. Tennis Channel offers “live-from” programming as well from important tennis events, but it does so *as an addition* to telecasting matches themselves as a rights-holder. Likewise, Comcast’s expert Mr. Egan claims that Tennis Channel “has just 49 tournaments scheduled for 2010”; in fact, we plan to telecast close to 80 tournaments—which generally run for a week or two and often include dozens of matches each day.<sup>1</sup> Finally, Comcast falsely claims in paragraph 89 of its Answer that

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<sup>1</sup> Mr. Egan notes in his declaration that an analysis of the relative total hours of event programming offered by Tennis Channel, Versus, and the Golf Channel, which I submitted in my initial declaration, contains three arithmetical errors. I have attached a corrected version of the analysis as Exhibit H to this Supplemental Declaration. However, none of the errors identified by Mr. Egan impacted the fact that Tennis Channel offers event programming than Versus and the Golf Channel, and Mr. Egan does not challenge that fact.

7. Also, Comcast claims in its Answer that one reason supporting its refusal to reposition Tennis Channel to a broader tier is its concerns about “bandwidth” on its systems. Tennis Channel already is carried on Comcast’s digital lineup, and my understanding is that on Comcast’s systems carrying a network on a digital basic tier occupies no more bandwidth than carrying it on the sports tier (a digital tier)—the only difference is how much a subscriber must pay to receive the channel.

8. Comcast even denies that it terminated the June 2009 discussions at all, relying on the fact that Mr. Bond told me that I could still discuss broader carriage with individual Comcast systems. Mr. Bond is correct that I told him that this would be a “waste of time” but omits that I told him this conclusion was based on Tennis Channel’s previous experience arranging for broader carriage with individual Comcast systems, only to have those arrangements undone by Comcast’s corporate office. I am not aware that Comcast required the NHL Network, NBA TV, or the MLB Network to prove local system interest as a prerequisite to receive significantly expanded carriage shortly after Comcast rejected Tennis Channel’s request in May 2009, nor did Comcast require such showings of interest when it launched Versus and the Golf Channel on a national basis to an analog basic tier.

**Discussions With Individual Systems Would Not Have Changed Comcast’s Decisions**

9. A telling example of the futility of obtaining expanded coverage by negotiating with individual systems involved Tennis Channel’s planned launch on a general-interest digital tier in San Francisco, a key tennis market.

10. During 2005, shortly after we signed our carriage agreement with Comcast, Tennis Channel discussed with Comcast's San Francisco system a plan to carry Tennis Channel on a \_\_\_\_\_—an arrangement comparable to the way that Comcast currently carries several of its affiliated sports networks, including the NHL Network, NBA TV, and the MLB Network. We discussed this arrangement with personnel at the San Francisco system and with Rick Lang, who was then the Vice President of Marketing for the division that included Comcast's Bay Area systems and was responsible not only for making decisions in San Francisco but for coordinating corporate decision-making for these programming changes throughout his region. (See Exhibit C.)

11. By September 2005, Mr. Lang told us that Comcast was \_\_\_\_\_ (See Exhibit D.) That month, Mr. Lang reported that he had \_\_\_\_\_ (See Exhibit E.) Mr. Lang ultimately provided us with specifics concerning the arrangement, indicating that Tennis Channel would be carried at \_\_\_\_\_ (See Exhibit F.)

12. Mr. Lang told us that one key reason for the decision to carry Tennis Channel on the digital basic tier was the San Francisco system's belief that the network's popularity would encourage Comcast's analog customers to voluntarily upgrade to digital service, which would have created additional revenues for Comcast and would have saved Comcast from incurring the cost of forcibly upgrading analog subscribers to digital—a project that I understand Comcast currently is undertaking company-wide.

13. Comcast's San Francisco system asked us to partner with it in that launch and marketing effort by supporting a campaign in which the first San Francisco analog subscribers to upgrade to digital service to receive Tennis Channel would receive free tennis racquets. After I learned that

(see Exhibit G), we agreed to do so and shipped 500 tennis racquets to Comcast in San Francisco.

14. On the eve of launch and while these racquets were in transit, we received a telephone call from Mr. Lang, who reported that "corporate" had told him that Tennis Channel "had to be launched on the sports tier" only, and not on digital basic, meaning that Tennis Channel would be seen in only about 70,000 San Francisco homes rather than the 750,000 homes to which Comcast's local and regional personnel had agreed. Because Mr. Lang previously had told my staff that he I assumed that it had been Ms. Gaiski who had instructed the San Francisco system to discontinue the dual launch.

15. In her declaration, Ms. Gaiski indicates that she and her department "have never rejected a request by any system to launch Tennis Channel." This statement is deceptive because it does not acknowledge that Ms. Gaiski and her department have rejected requests to launch Tennis Channel *on a broadly penetrated tier* comparable to the tiers on which Comcast carries its affiliated sports networks.

16. The planned launch in San Francisco was one example in which our discussions with a local system interested in launching Tennis Channel broadly apparently were undermined by a decision by Comcast's corporate office. This and other experiences, together

with my understanding that individual systems are not authorized to make tiering decisions without approval by Mr. Bond or Ms. Gaiski, caused me to understand that it would not be productive to negotiate carriage with individual systems if Mr. Bond and Ms. Gaiski refused to consider the matter.

**Tennis Channel's Unrelated Negotiations With Cablevision**

17. In its Answer, Comcast suggests that its decision to carry Tennis Channel on a sports tier, while all of its affiliated sports networks are carried on broadly distributed tiers, is justified by a dispute between Tennis Channel and another cable operator, Cablevision Systems Corporation, in which Cablevision ultimately launched Tennis Channel on a sports tier.

18. In fact, Tennis Channel and Cablevision have been in negotiations for , and the major point of negotiation between the parties has been

. Because Cablevision insisted on

the parties never reached agreement for carriage of Tennis Channel.

19. But shortly before Tennis Channel's premiere U.S. Open in 2009, which was held in Cablevision's market, Cablevision subscribers became acutely interested in Tennis Channel's coverage of the event. In order to force Tennis Channel to authorize Cablevision's carriage on terms that Cablevision found acceptable, Cablevision ultimately joined the National Cable Television Cooperative, Inc. (NCTC), a cooperative created by and for small

cable operators, that carried Tennis Channel pursuant to Tennis Channel had negotiated with NCTC years earlier—and a year prior to Tennis Channel’s launch. Whatever one might think of the legality or propriety of Cablevision’s use of the NCTC contract to obtain carriage, it is clear that Cablevision did not obtain Tennis Channel’s permission for sports tier carriage. Instead, it bootstrapped that carriage over Tennis Channel’s objection using the technicality that the NCTC contract provided. Cablevision’s decision was striking because most NCTC members do not carry Tennis Channel on a narrowly-penetrated basis. Tennis Channel no longer willingly enters into agreements under which the network will be carried on a narrowly penetrated sports tier.

#### **DISH Network Never Downgraded Tennis Channel**

20. Comcast’s Answer (at paragraph 27 and elsewhere) claims that “DISH Network negatively repositioned Tennis Channel to the premium ‘Classic Gold 250 & Gold HD’ package.” This claim is false. Tennis Channel has always been carried on DISH Network’s “America’s Top 250” tier, which is the same tier that includes Versus and is the third most highly-penetrated service offered by DISH Network.

21. Comcast appears to have relied on an erroneous item in a small Denver-suburb newsletter called the *Cherry Creek News* that was published in July 2009, shortly after DISH Network carried Tennis Channel more broadly than normal during a promotional “free preview” period, an opportunity that Tennis Channel sometimes offers to its distributors. After the “free preview” was over, DISH Network continued to carry Tennis Channel on the America’s Top 250 tier, as it had before the preview began.

22. Comcast also claims that the tier on which DISH Network carries Tennis Channel “is . . . comparable to Comcast’s sports tier.” To the contrary, the America’s Top 250

tier is a general-interest tier, distributed to about [REDACTED] of DISH Network's subscribers, that includes other popular non-sports networks like National Geographic Channel, Fox Business News, and the Do It Yourself Network. These are all networks that Comcast carries on its Digital Classic level of basic service (not on Comcast's sports tier, which is distributed in about [REDACTED] of Comcast's households). Also, DISH Network offers a sports tier called the Multi-Sport Package, which costs \$5.99 per month and does not include Tennis Channel. The package does, however, include a variety of other sports networks, including regional sports channels, NFL Red Zone, and Comcast-affiliated NHL Network and NBA TV. For these reasons, Comcast is incorrect in asserting that the America's Top 250 tier, and not the Multi-Sport Package that includes some of Comcast's own sports networks, is "comparable to Comcast's sports tier."

23. DISH Network's general-interest tier is comparable to the general-interest Sports and Information Tier on which Cox Communications carries Tennis Channel.

Cox carries Tennis Channel to about [REDACTED] of its subscribers, and it includes in that tier general-interest networks like those that Comcast carries on its digital basic tier. Cox is a particularly poor example for Comcast because in late 2009, at a time when Comcast claims Tennis Channel did not merit broader carriage, Cox was actually launching Tennis Channel onto new systems. Similarly, when Verizon FiOS reconfigured its tiering structure early in 2010, Tennis Channel continued to be distributed to [REDACTED] of Verizon's subscribers, as it had been before the reconfiguration. And Suddenlink, another cable operator that Comcast uses as an example, distributes Tennis Channel to [REDACTED] on a general-interest sports and information tier, not on a narrow sports tier like Comcast's.

**Carriage By Other Cable Operators**

24. Comcast also misstates the facts when it claims (in paragraph 73 of its

Answer) that

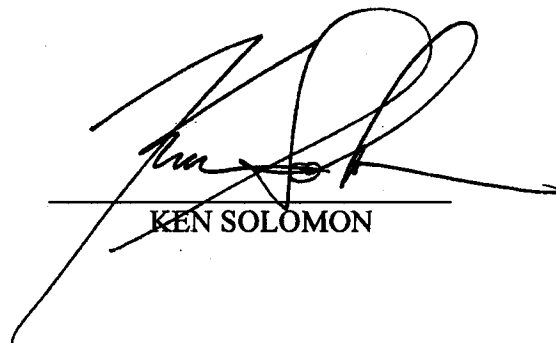
\* \* \*

25. I verify that (1) I have read Tennis Channel's accompanying Reply; (2) to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and (3) it is not interposed for any improper purpose.

\* \* \*

I declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing declaration is true and correct.

Executed on March 22, 2010.



KEN SOLOMON



# Exhibit 3-A

# REDACTED

# Exhibit 3-B

# REDACTED

# Exhibit 3-C REDACTED

# Exhibit 3-D REDACTED

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# Exhibit 3-F REDACTED

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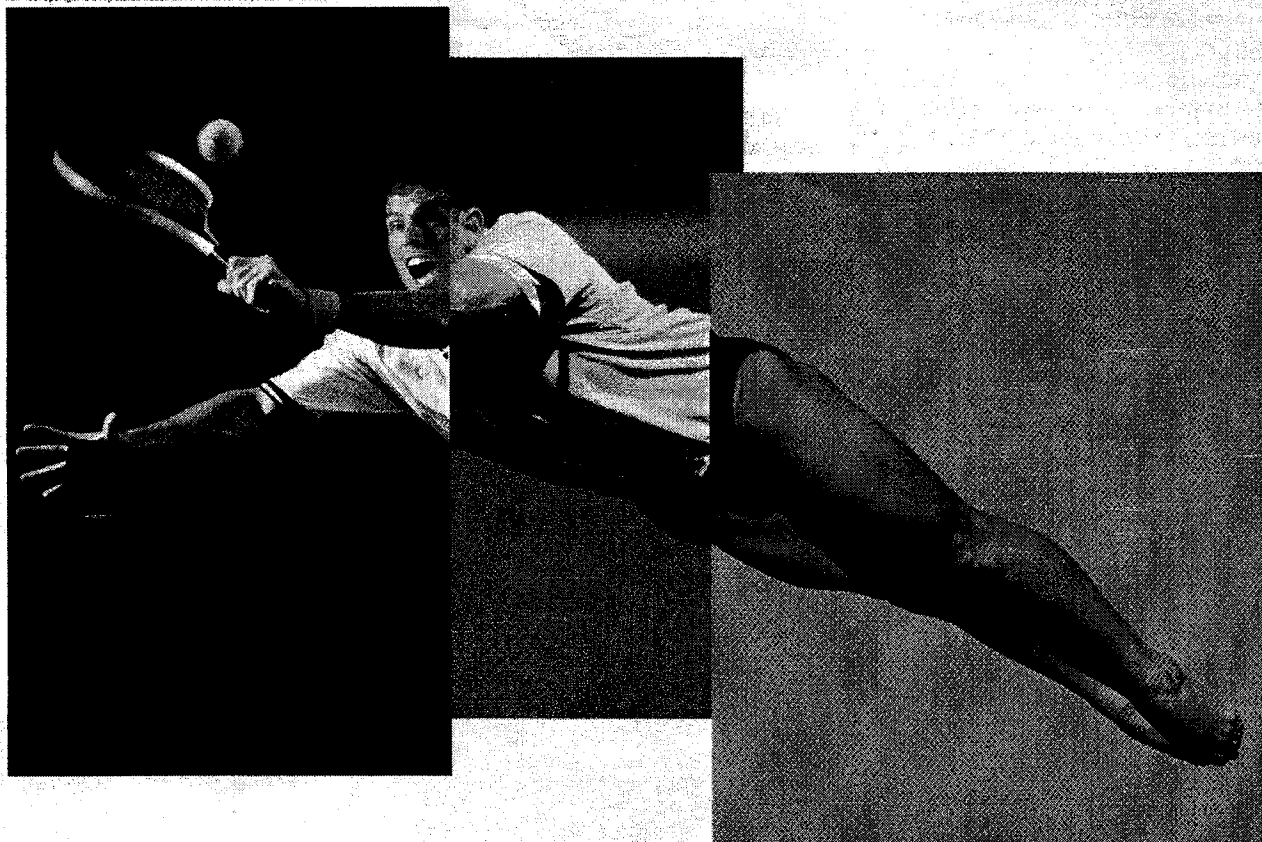
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# Exhibit 3-H REDACTED



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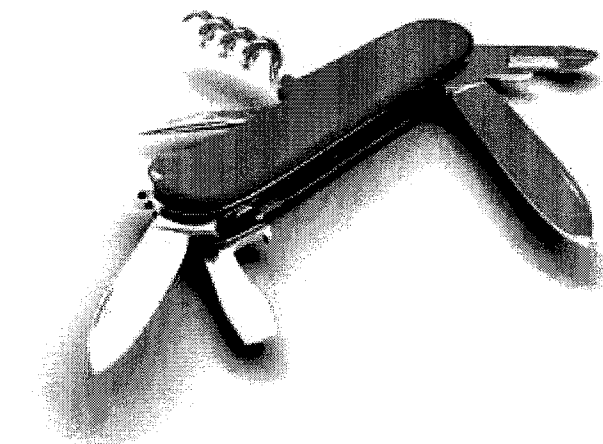
## Cover Story: Sole Survivors

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### Independent Networks Find Ways to Stay Alive In Economic Downturn

*By Linda Haugsted -- Multichannel News, January 25, 2009*

The economic downturn has hit every media-industry giant, with layoffs, write-downs and anemic stock prices all testifying to the barren reality before them. But another group of TV companies say the storm has hit them just as hard — if not harder.



Independent programmers — those unaffiliated with any media giant — have always found it tough to strike distribution deals. But now they say the doors aren't even open to them.

In addition to the economic downturn, so-called indies claim several reasons for the current stonewalling: Big media companies still favor programming they own and there's a lack of bandwidth for standard-definition programming.

Perhaps more than anything, distributors are focused more than ever on newer products, including telephone and Internet services, rather than video.

"It's a different animal right now," Jeff Paro, president and CEO of Sportsman Channel parent Intermedia Outdoor Holdings, said of the market for independent cable networks. "We have great ideas for reaching specific audiences right now, but with [ongoing] retransmission-consent talks and the [carriage dispute involving] NFL [Network], a new sports channel is not a top priority."

Many small programmers are loath to question the motives of distributors, but executives of San Diego-based Wealth TV are vocal in asserting discrimination by operators, who favor networks in which they hold equity over independent voices — even when those unaffiliated channels are offered without license fees. Both Time Warner and Comcast own stables of cable networks.

In other cases, independent programmers contend that media companies that own multiple programming services — such as NBC Universal, The Walt Disney Co. and Viacom — require affiliates to purchase a suite of networks to gain access to their most popular services.

Fighting that alleged discrimination is tough, say independent programmers, because Federal Communications Commission procedures to deal with such charges are open-ended. Small programmers rarely have the funds to wait years for government intercession.

Wealth TV has filed an FCC complaint against Time Warner Cable, alleging that the operator carried a channel in which it had a financial interest — the now-shuttered Mojo (owned by In Demand Networks, in which TWC is a partner) — rather than negotiating fairly for the all HD, fee-free Wealth TV. (Wealth TV now charges a "minimal, highly competitive" license fee, said president Charles Herring.)

But despite 150 affiliation agreements, Herring said, his channel is not near the 20 million households it needs to be viable. It has been unable to reach large-scale affiliation agreements with such major operators such as Time Warner Cable or Comcast. And with no coverage in the major markets those MSOs control, such as Los Angeles and Chicago, it's nearly impossible to sell national advertising, Herring said. (Wealth TV does have carriage agreements with Charter Communications

Discrimination against non-aligned networks is “real and needs to be addressed,” said Herring. Wealth TV’s growth has also been hampered because small operators’ systems are full of channels distributed by the big media companies, which those operators are forced to buy in order to get the channels they actually want, Herring added.

So why did Wealth take a regulatory path that’s expensive and alienates operators? Herring said that’s because federal law lacks a so-called shot clock requiring the FCC to act on complaints from programmers within a specific time period.

“You’d think a shot clock would be welcome by both sides,” said Herring. “If I were accused [of discrimination], I’d want to clear my name.”

Wealth’s carriage agreement complaint is still pending.

With these challenges, networks are finding other ways to grow, or at least survive, in this troubling economy. Several said overbuilders and competitors such as Verizon and AT&T have been their salvation, for these alternate providers will add niche networks as programming differentiators from incumbent providers.

“We got on Verizon very early on,” said Steve Severn, CEO of the male-targeted MavTV. “They looked at independents that weren’t available on cable.” The Verizon pact helped Mav get on Cablevision Systems, he added, because the telco was pushing hard into Cablevision’s New York City-area territory.

Tenacity is a required skill to be an independent. “The longer we stay in business, the easier it is to wear down the distributors so they know you’re not going to go away,” he said.

Some networks are depending heavily on non-cable partnerships to provide revenue until they can achieve the broad distribution that will generate more affiliate fees and draw in national advertisers.

MavTV relies on a partnership with Lucas Oil Products for survival, said Severn. “I can’t imagine 2009” without this partnership, he said.

Lucas Oil creates 100 hours of content for MavTV, ESPN and Versus each year, building its products into the programming.

MavTV is only in 7 million U.S. homes and actually has a broader footprint abroad — it reaches 9 million homes via United Kingdom satellite-TV firm BSkyB and 1 million households in Canada. That international distribution “subsidized our U.S. life,” said Severn.

Horse Racing Television relies on the continued financial support of its owners — Churchill Downs and Magna Entertainment, owner of several racetracks, including Santa Anita Race Track in California — to keep a “very lean” operation going until it can grow large enough to attract mainstream advertisers.

“Misperceptions” that horse racing is all about gambling have also hampered 16 million-subscriber HRTV, said senior vice president of distribution and business development Chris Swan. But the network focuses on good “horse stories,” such as the fate of Barbaro and Smarty Jones’ attempt to win the Triple Crown — not wagering — he noted.

HRTV’s growth is also hampered by the fact it isn’t in high-definition, and with uplink facilities in multiple track locations, that’s an innovation “that’s not going to happen anytime soon,” he said.

The Sportsman Channel, in 15 million homes, is also relying on its corporate partnerships — in its case, for marketing support and data it can use to convince operators of the value of its audience. Intermedia Outdoors publishes 17 magazines, all of which are No. 1 or 2 in their segment, and operates 24 Web sites. That gives his channel a potentially massive promotional

But that marketing muscle may be the good and bad news in distributor discussions. That means Sportsman must be vetted by both the programming and marketing executives of a potential distributor, slowing down the process of getting a 10-year carriage deal, he said.

Sportsman is also getting the “we don’t have the bandwidth” argument, he said.

Distributors also play providers of sports content off of one another, added Outdoor Channel chief operating officer Tom Hornish.

“As a quality producer, I can’t match low-cost providers and keep quality production,” he said.

Outdoor, with about 30 million subscribers, has also modified its rate card as it approaches renewals, providing incentives for broad carriage.

“Equity is always on the table if it makes sense” for a distributor to own part of the channel, added Hornish.

Equity is obviously a game-changer for Retirement Living Television, which signed a deal earlier this month with Comcast, giving that distributor an unspecified ownership share along with Erickson Retirement Communities. The Comcast/Erickson deal will add 12 million homes to the channel's footprint.

Previously, Retirement Living had been carried for four hours a weekday on CN8, a regional network offered on Comcast systems between Boston and Washington, D.C.

RLTV also has 2 million Verizon FiOS TV homes, according to the channel.

In an interview before the equity agreement was worked out, general manager Patrick Baldwin said the two-year old-channel was growing slowly because affiliation talks centered on “organizational synergies,” such as how operators could use demographic information supplied by RLTV's partner, the American Association of Retired Persons, to improve sales to the 50-plus demographic.

Some operators “can’t see how a new, non-sports network can drive return on investment,” he said, adding that channel executives must prove they are part of a sound business decision.

Unlike other executives, who rue the lack of network-group muscle in their affiliation talks, Baldwin said he liked coming into talks as an independent, noting recent dust-ups over contract renegotiations between Time Warner Cable and Viacom.

“I can talk as a partner, not an antagonist,” said Baldwin. “I don’t envy [network group affiliate sales people] at all.”

Rural themed RFD-TV will be expanding this year via international deals, said founder and president Patrick Gottsch, who said stateside operators have blamed the economy for launch delays.

RFD-TV (40 million subscribers) has revived some of the favorite programming from the “old TNN” — i.e. The Nashville Network, now Spike TV — such as shows hosted by Ralph Emery and country-music talk show *Crook & Chase*.

Gottsch said a “best of RFD-TV” programming block will play as part of a country-music channel on BSKyB beginning in March. Gottsch also believes his channel is close to a deal with DirecTV Latin America.

Talks have even been held with Russian Federation's Department of Agriculture for some programming for an agriculture-themed channel, he said.

BBC America (62 million subscribers) is also contemplating launching a new channel, preschool network CBeebies, said BBC Worldwide Americas president Garth Ancier. It would utilize the library of the U.K. parent channel, including *Teletubbies*, he said.

A Spanish-language version of CBeebies, exclusively distributed by Dish Network, is already up and running.

U.S. operators are "open" to the idea of the channel, Ancier said. He made no mention of interest from Comcast, which already has a stake in a preschool channel, PBS Kids Sprout.

BBC America had announced plans for an HD channel in 2008. That had been "pushed back" to mid-2009, executive vice president of communications Jo Petherbridge said.

The 2009 outlook for independent networks is mixed. Some — like ReelzChannel, which moved its production facilities to lower-cost New Mexico — have made drastic moves to stay ahead of the economy. Others continue to pursue regulatory battles with potential partners. And some say that in spite of the grim outlook, 2009 will be an expansion year.

For instance, Hallmark Channel (86 million subscribers) said it will expand its original programming slate this year. It will produce 30 original films (the network went to the upfronts last summer selling 20 film properties).

As consumers cut spending, noted Crown Media Holdings CEO Henry Schleiff, they see a stronger value proposition in family-oriented programming such as Hallmark's content. And advertisers in such categories as packaged goods, pharmaceuticals and lower-end retailers have "strongly confirmed" their commitment to buy spots with the channel, he said.

"When you get out of 'cool' New York and L.A., to other markets, [you see] this economy has hurt so dramatically," Schleiff said. "The value of whole-family viewing at home is important to viewers and distributors."

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# STREET & SMITH'S **SportsBusiness JOURNAL**

## This Week's News

### **NBA TV near shift to Comcast basic tier**

By JOHN OURAND and JOHN LOMBARDO

Staff writers

Published March 02, 2009 : Page 03

The NBA is close to a deal that would move NBA TV off Comcast's digital sports tier and on to digital basic, the same that houses MLB Network.

A deal has not been signed, but several sources said one could be inked by this spring, which would mean moving the network by the start of next season. Comcast, the country's biggest cable operator, would move the network before the start of the 2009-10 season.

The upgrade from Comcast's sports tier to its digital basic tier would add up to 7 million subscribers to NBA TV's distribution, which stands at 15 million subscribers.

NBA and Comcast officials did not comment.

The NBA was able to persuade Comcast to make the move by tying carriage of its out-of-market NBA League Pass with better carriage terms for the network. Comcast's deal with League Pass expires after this season, sources said, and the NBA would not renew it unless NBA TV was moved off of a sports tier.

MLB Network pioneered this strategy last year, when it made its Extra Innings package dependent on carriage of its new channel.

Once the Comcast deal is completed, it's likely that other operators would fall in line, as among cable operators, Comcast tends to set the market.

For example, after carriage battles with top cable operators that lasted for more than a year, the Big Ten Network finally signed a deal with Comcast last June. In the next two months, almost all the other cable operators in its footprint signed similar deals.

Currently, cable operators pay 38 cents per subscriber per month for NBA TV, according to figures from SNL Kagan. That per-subscriber fee would drop if NBA TV were on a more fully distributed tier, sources said.

NBA TV's move off of cable's sports tiers has been a focus for the league since the fall of 2007, when the league believed it was close to a deal to move off of Time Warner Cable's sports tier. The NBA's resolve picked up steam this year, when MLB Network launched to about 50 million digital basic homes, steering clear of cable's sports tiers.

The expected shift of NBA TV off a sports tier to a digital basic tier is the latest change for the NBA's media asset. Turner Sports this season took over operations of the NBA's digital assets, which includes NBA.com, NBA TV and League Pass.

# STREET & SMITH'S SportsBusiness JOURNAL

Media

## Comcast's Burke takes on critics of company's dual strategies

Published April 13, 2009 : Page 10



SPORTS  
MEDIA  
JOHN  
OURAND

Just about every time I write about one of **Comcast's** carriage battles with a sports network, I can count on calls from a number of readers who complain that I fail to expose Comcast's hypocrisy when it comes to sports programming.

When I write about Comcast refusing to grant **NFL Network** digital basic carriage at around 70 cents per subscriber per month, critics complain that I failed to mention the same company charges other cable and satellite operators a much higher rate for its regional sports networks.

FROM THE CABLE  
SHOW 2009  
WASHINGTON, D.C.

When we publish a story that has Comcast executives railing against the creation of conference-owned channels (as they did during a yearlong carriage battle with the **Big Ten Network**), industry types point out that, hello, Comcast has an ownership stake in the Mountain West Conference's channel, **The mtn**.

And when we quote Comcast executives bemoaning the ever-increasing cost of sports rights, competitors gripe that Comcast largely bears the burden for those high costs by actively bidding up those rights for **Versus**, **Golf Channel** and its regional sports networks.

These complaints, however, typically miss the point when it comes to Comcast, which essentially is a tale of two companies. Part of Comcast is a multichannel operator that tries to rein in the cost of sports rights, and another, much smaller part, of Comcast is a programmer that helps push the cost of sports rights higher.

So when I sat down with Comcast's Chief Operating Officer **Steve Burke** at the Cable Show earlier this month, I asked him how his company reconciled the two disparate views of the company.



GETTY IMAGES (2)

The company's role as a programmer includes Comcast SportsNet regional sports networks and Golf Channel.

Burke, who also has heard these complaints many times before, said Comcast's programming and operator businesses are able to exist side-by-side.

"You have two parts of the company," Burke said. "They are two different things that have been going on inside **Time Warner** for years and **Fox** for years."

Burke's message is clear. Comcast the cable operator will continue to try to keep sports rights down, and Comcast the programmer will be bidding them up.

"Sports is the must-have programming of cable," Burke said. "One way that you can hedge yourself a little bit is to get into it yourself. ... It's actually a pretty good business. We did it both defensively and offensively."

It's obvious that Comcast officials feel that sports programming is the best way to grow its networks. Its programming group will keep acquiring rights.

In turn, those networks will use those rights to try to get higher affiliate fees from cable operators and more advertising revenue from sponsors.

It's a good business and a formula that other sports programmers, like **ESPN**, have used successfully, said **David Cohen**, Comcast's executive vice president.

"When you see ESPN paying what it did for the BCS, on the one hand you shake your head and say, 'What is ESPN thinking?,'" Cohen said. "On the other hand, the BCS is the most valuable college football programming in the country. It's must-have programming for our viewers, and so we're going to have to pay whatever it takes to get that programming."



**Steve Burke,**  
chief operating  
officer,  
Comcast

But that doesn't mean Comcast will go soft on sports networks that it believes are too expensive, like NFL Network.

"The easiest thing in the world for us to do would have been simply to put a network on and pass the costs onto the customer," Cohen said. "Because of our size and our scale, we're in a little bit of a better position to be able to hold out and protect our customers' interests — and fans' interests — than some other companies."

But that size and scale hasn't helped Comcast's push to move more expensive networks onto sports tiers, which Cohen still describes as "an elegant solution" to the problem of rising sports costs.

"Even though we have 24 million customers and are the largest cable distributor, in the end, we have not been able to persuade any marquee sport that their programming belongs on a sports tier," he said.

Part of Comcast's problem deals, again, with its two businesses. Comcast the operator likes sports tiers, but Comcast the programmer hates them, at least for two of its own channels, Versus and Golf Channel, that reside on much better penetrated tiers.

But that's a tough comparison for newer networks, like NFL Network, to make. At between 20 to 25 cents per subscriber per month, Versus and Golf Channel are much less expensive than other sports programming networks. Plus, because both channels have been on expanded basic tiers since their launches in 1995, it would be akin to having them give up their "beachfront property" to newer sports networks.

Ultimately, all of this means that Comcast is certain to be at the center of many more future carriage fights, both as an operator trying to keep prices down and a programmer trying to push prices up.

*John Ourand can be reached at [jourand@sportsbusinessjournal.com](mailto:jourand@sportsbusinessjournal.com).*



# **EXHIBIT 8**

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**THE WALL STREET JOURNAL**

The Wall Street Journal

October 12, 2009 Monday

**SECTION:** Pg. B2

**LENGTH:** 850 words

**HEADLINE:** Corporate News: Comcast-NBC Is a Challenger --- Potential New Rival to ESPN Would Emerge If Deal With GE Succeeds

**BYLINE:** By Sam Schechner

**BODY:**

Comcast Corp. executive Jeff Shell said at an industry conference in June that expanding the sports business at his cable networks was the "top of our list over the next five years."

If Comcast's bid to control NBC Universal succeeds, it would advance Mr. Shell's goal overnight, creating a potential new rival to Walt Disney Co.'s ESPN.

As the cable-TV giant and NBC Universal's parent, General Electric Co., work through details of a deal that would merge Comcast's cable networks with GE's NBC Universal, people close to the negotiations say the two companies see the creation of a combined sports business as a key benefit of a partnership.

The new company would marry Comcast's Versus and Golf Channel cable-sports networks and multiple regional sports networks with NBC Universal's broadcast-sports operation and rights to major sports events, including a Super Bowl and two Olympic games.

The talks seek to create a TV and movie company that would be 51% owned by Comcast, with GE holding the remainder. NBC Universal's current minority owner, Vivendi SA, would have its 20% stake bought out. Negotiations could still fall apart, but the merger appears to be the most likely outcome for NBC Universal, people familiar with the matter say.

Paired up with NBC, Comcast could get a bigger slice of a large sports TV market. Advertisers spent an estimated \$10.6 billion for commercials in sports programming across U.S. broadcast networks, cable networks and local TV stations last year, out of total TV ad spending of about \$68.4 billion, according to TNS Media Intelligence. Cable-sports channels raked in more than \$9.2 billion of about \$22.9 billion in basic-cable TV subscription fees for the year, according to estimates from SNL Kagan.

Corporate News: Comcast-NBC Is a Challenger --- Potential New Rival to ESPN Would Emerge If Deal With GE Succeeds  
The Wall Street Journal October 12, 2009 Monday

The expanded NBC Universal would combine both companies' rights to college football, hockey and golf. It would have NBC's rights to the Olympics in 2010 and 2012 and NFL games through 2013. A deal could also give NBC Sports access to cable subscription fees, which would put it in a better position to keep up with growing sports-rights costs.

Comcast's Versus and Golf Channel already receive about \$400 million in yearly subscription fees, according to industry estimates. In addition, Comcast could try to push paid distribution for NBC's fledgling Universal Sports channel.

Among the possibilities for the combined company would be for Comcast to air football games simultaneously on multiple channels, with each offering different camera angles, a person familiar with the matter says. Comcast could also put large swaths of Olympics footage in its video-on-demand service, the person says.

"If this merger goes through, they become a much, much stronger competitor to ESPN. And they threaten to dominate CBS and Fox," says Neal H. Pilson, a sports-media consultant and former president of CBS Sports.

Spokesmen for ESPN and CBS both decline to comment. A spokesman for Fox says the company "has a big event sports strategy nationally, and we don't see that changing." Fox Sports and The Wall Street Journal are owned by News Corp.

ESPN is a dominant force in televised sports that would be hard for Comcast to match, even with NBC Universal. Owned 80% by Disney and 20% by Hearst Corp., ESPN and its sister operation ABC Sports span seven TV outlets in the U.S. and hold the rights to air many baseball, football and basketball games.

While ESPN's ad revenue suffered in the recession, subscription-TV providers such as Comcast will pay approximately \$5.8 billion to carry ESPN's U.S. networks this year, according to estimates from research firm SNL Kagan. If Comcast succeeds in building a stronger sports business, the company and other cable operators might gain better leverage when negotiating the fees they pay ESPN.

"To the extent that there are multiple places you can get big-time sports on a national basis, ESPN's growth in rates may be constrained," says Frank Hawkins, a media consultant and former NFL executive.

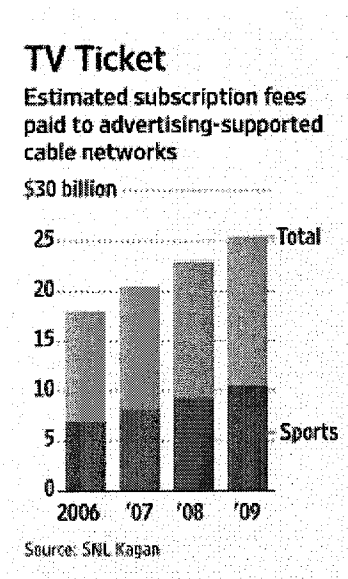
Mr. Shell, president of Comcast Programming Group, has pushed to expand his sports business. He has built up Comcast's regional sports networks. He has also focused on expanding Versus from niche sports like bull riding and the Tour de France to include professional hockey and college football.

Versus is in 75 million homes and averaged 125,000 viewers this year through Oct. 4, up 17% from a year earlier, according estimates from Nielsen Co. "We have a huge opportunity," Mr. Shell said of Versus at the June marketing conference in New York, to create "another sports brand in America," he said. Still, Versus's average number of viewers is less than a seventh of ESPN's, and just over a third of that on ESPN2.

Winning new sports rights would cost money on top of NBC Universal's already hefty commitments, including more than \$600 million a year for its NFL games, and the \$2 billion it has committed for the next two Olympics.

But size could bring other advantages. College-sports conferences, in particular, want deals that cover multiple outlets to air more of their events.

Corporate News: Comcast-NBC Is a Challenger --- Potential New Rival to ESPN Would Emerge If Deal With GE Succeeds The Wall Street Journal October 12, 2009 Monday



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### THE WALL STREET JOURNAL

WSJ.com

JANUARY 25, 2010

## PGA Tour Begins to Pay a Price For Tiger Woods's Transgressions

By MATTHEW FUTTERMAN And DOUGLAS A. BLACKMON

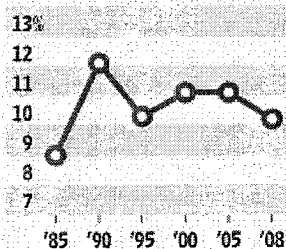
The troubles facing the professional-golf tour without Tiger Woods will be on display when the annual tournament kicks off at the Torrey Pines course in San Diego this week: Ticket sales are down, fewer hospitality tents have been sold, and the title sponsor had to be lured with a cut-rate price.

It is a harbinger of what the PGA Tour may be without its most popular player. Three of the Tour's 46 tournaments scheduled for 2010 don't have a lead corporate sponsor, nor do 13 of next year's tournaments. Television viewership of the first two events of this year's Tour tumbled.

In past years, Mr. Woods, the game's most popular player, usually skipped the first three tournaments and began play on the San Diego tournament's seaside course, perched on scenic cliffs overlooking the Pacific. As Mr. Woods's opener, San Diego became one of the highest-profile early events of each PGA Tour season. This year, Mr. Woods, caught up in a sex scandal, is on leave from the game, with no word on when he will return. Without his unmatched star power, the value of Tour sponsorships, through which companies cover most tournament prizes, could be sharply lower. And without a rich flow of cash from those sponsorships, the PGA Tour's economic model is cracked.

### No Time for Tee

Portion of Americans who played at least one round of golf in the given year



Note: For people age 6 and older  
Source: National Golf Foundation

"It's a fairly tough conversation for the PGA Tour right now," said Tony Ponturo, former director of sports marketing for major sponsor Anheuser-Busch InBev and a board member of the women's LPGA Tour. "Maybe the marketplace doesn't allow for million-dollar first prizes anymore."

Farmers Insurance Group, a unit of Zurich Financial Services, swooped in last week and agreed to a last-minute, discounted deal that pays the PGA Tour about \$3.5 million to sponsor the Torrey Pines event. That is about half of what General Motors previously paid to sponsor what long was known as the Buick Invitational. GM, in financial trouble, ended its PGA tour contracts last summer.

"The good news is we got a discount. The bad news is we only have one week to do anything with the sponsorship," said Bob Woudstra, the CEO of Farmers Insurance, who became interested just 10 days ago when the Tour offered a one-year deal at a reduced price.

PGA Tour officials acknowledge that even the temporary loss of Mr. Woods, who declined to comment for this article, is a big blow, but say it will have little effect on the overall health of the Tour. Tim Finchem, commissioner of the PGA Tour, ascribes the sponsor shortfall to the battered economy, a general decline in sponsorships across all sports and the bankruptcy filings of GM, Chrysler LLC and Stanford Group Co., all major golf backers. PGA Tour officials say they

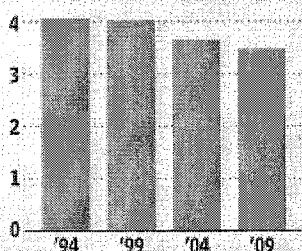
are confident that golf will weather the current situation and that with the return of Mr. Woods and continuing growth overseas, the sport will continue to prosper.

"We're not going south. We're going to continue to grow," Mr. Finchem said.

Yet the absence of Mr. Woods, and with him millions of TV viewers who are the lifeblood of the sport, has made clear how heavily the PGA Tour came to rely on his extraordinary appeal to offset declines in the popularity and financial prospects of golf.

### Broadcast Bogy

Number of viewers tuning in to Sunday broadcasts of PGA Tour events, in millions



Note: Data are weighted averages of network broadcasts of nonmajor events  
Source: The Nielsen Co.

On the surface, Mr. Woods's reign looked like a golden era. Revenues for the PGA Tour—which is separate from the four major championships, the Masters, U.S. Open, British Open and PGA Championship—raced to \$981 million in 2008 from \$302.5 million in 1996, the year Mr. Woods turned pro. Major championships featuring Mr. Woods drew TV audiences unheard-of in golf, as high as 50 million total viewers for his first win at the 1997 Masters. Corporations agreed to ever-higher sponsorship deals, both for the marketing exposure and to give their customers a chance to wine and dine in the vicinity of golf greats.

But over the same span, the Tour's overall audiences actually declined. According to Nielsen Co., final-round play on the broadcast networks in 2009 averaged under 3.5 million viewers, down from more than four million in 1999 and lower than in the year Mr. Woods turned pro.

Just as worrisome to the sport, participation in golf on the real links has been falling as well. About 10.2% of Americans age 6 and above played at least one round in 2008, compared with 12.1% in 1990, according to the National Golf Foundation.

Asked whether Mr. Woods's popularity had masked declining interest in golf, Tour executive vice president Ty Votaw said the diminished TV ratings and participation rates weren't necessarily signs of weakness. "You look at what's happened to ratings for prime time and virtually every other sport during the same time period and I think we've done pretty good," he said.

When Mr. Woods burst on the scene at the 1997 Masters, he looked like a savior for a sport increasingly seen as a pastime for middle-aged men in funny pants. Over the next dozen years, he became much more than the most popular player. He emerged as golf's most powerful figure, demanding changes that over a decade altered the structure of professional golf—while generating tens of millions of dollars for himself and charities associated with him.

From nearly the start, he had complaints about how the PGA Tour operated. In 2000, Mr. Woods, by then a five-time winner of major championships, publicly unreeled a litany of grievances against the circuit. In media interviews, he said the Tour was leeching off his popularity, with some sponsors, such as Daimler AG's Mercedes-Benz unit, using his image in promotional advertising without his blessing. And PGA Tour rules, combined with a long season, limited how often players could participate in tournaments outside the U.S., where Mr. Woods could rake in millions just by showing up.

Mr. Woods suggested in an interview with *Golf World* magazine in November 2000 that his popularity entitled him to a cut of the PGA Tour's television revenue, then roughly \$300 million a year. The same month, his father, Earl Woods, now deceased, floated the idea that his son might leave the Tour and play only in the four major championships and certain tournaments abroad. "He can take his game to Europe, Africa, Asia or wherever he wants, and the world will follow," Earl Woods told the Associated Press.

On Nov. 27, 2000, his superstar son, then 24, discussed his concerns with PGA Tour boss Mr. Finchem at a long

meeting in Los Angeles. According to someone familiar with the details of the meeting, the two men sat across a table from each other, Mr. Woods flanked by his agent and Mr. Finchem joined by another PGA Tour executive. Mr. Finchem basically had a choice: Adjust the financial underpinnings of professional golf to satisfy its most popular player or risk the disaster of his leaving the Tour.

In an interview this month, Mr. Finchem said that during that 2000 meeting, Mr. Woods raised all of the issues he had discussed publicly. Neither man has said what commitments were made. But two days later, Mr. Woods announced that he and the commissioner were embarking on a new future together, with "compromises on both sides."

Take the issue of using Mr. Woods's image. Tour sponsors had the right to show player photos in their ads, but they were sometimes using only Mr. Woods's. After the meeting, Tour executives called corporate sponsors to explain Mr. Woods's objections to the extensive use of his image and encourage them to use more players in their promotions, Mr. Finchem said.

Mercedes, in developing its ad campaign, assumed all needed permissions had been cleared with the PGA Tour, said a spokesman for Mercedes-Benz of North America, Adam Paige. He said Mercedes ended the ads picturing Mr. Woods after receiving the complaints.

Mr. Finchem said he never seriously considered giving Mr. Woods a cut of the Tour's TV revenue, which would have reduced the amount available for prizes.

But in 2002, he added to the Tour's television lineup a tournament now called the Chevron World Challenge—an end-of-season event hosted by Mr. Woods that benefits the Tiger Woods Foundation, a nonprofit that funds the Tiger Woods Learning Center in Anaheim, Calif. The move meant Mr. Woods's tournament no longer had to pay a PGA Tour licensing fee of about \$2 million; that would be paid by whichever TV network carried the event.

The change also meant the PGA Tour's television revenue would pay part of the tournament's prize money, now \$5.75 million.

Mr. Finchem said he included Mr. Woods's tournament in the television package not to direct TV money to the golfer's activities but to make the overall package more valuable to networks. Golfer Greg Norman's "Shark Shootout" event received a similar benefit.

In 2005, Mr. Woods and rival Phil Mickelson went public with complaints that the PGA Tour season was too long, keeping golfers from playing in lucrative tournaments abroad.

In November of that year, after negotiations with broadcasters, Mr. Finchem announced a revised schedule that concludes the season in September, rather than November, by creating the FedEx Cup, a four-tournament playoff-style event. The format helped the PGA Tour boost its television revenue and also gave top players more time to play abroad and collect appearance fees.

As the PGA Tour's support of Mr. Woods grew, he achieved spectacular success off the course as well as on. As a player, he is now just four short of Jack Nicklaus's career record of 18 major-tournament victories, has collected \$111 million in prize winnings and has 71 PGA Tour victories.

All that made Mr. Woods a natural for Madison Avenue, too, where his income from endorsements with Nike, Accenture PLC, General Motors and others shot up to more than \$100 million a year, according to a figure widely accepted by golf experts. Several firms, including Accenture and AT&T Inc., have dropped or scaled back their support since the scandal broke.

The PGA Tour, legally a nonprofit, also was raking in money during those years. The cost of title sponsorships for tournaments grew to as much as \$9 million for high-profile events. Full-year prize money jumped to \$277 million from

\$70 million in 1996.

The Tour expanded its golf-course business, opening 11 new Tournament Players Clubs courses between 1997 and 2009, an enterprise now valued at \$125 million, according to its financial reports. After covering its operational costs, the Tour donates more than \$109 million a year to charity. It also works to foster broader interest in the sport, such as by supporting a program that provides lessons to urban children.

As for tournaments with no sponsor so far, Mr. Finchem is optimistic these will be picked up as the economy gradually improves. Tour officials say the 13 sponsorships still available for 2011 aren't substantially more than usual. Mr. Finchem said the Tour signed 13 sponsorship deals in 2009, including several extensions through 2016, and two more this year.

But so far this season, the mood has been glum. The average TV audience for the season-opening SBS championship in Hawaii was down 21% from a year earlier, and for the Sony Open in mid-January the audience was off 30%. The declines for tournaments where Mr. Woods usually isn't a presence anyway suggests a dwindling of interest by core golf fans.

Organizers of the tournament this week in San Diego say that despite a field that includes fan favorites such as Mr. Mickelson and Rocco Mediate, tickets sales and revenue from premium corporate hospitality seating are down more than 20% from 2008, the last year Mr. Woods played there. (He was injured in 2009.) With Farmers Insurance signing on so recently, revenues for the PGA Tour from the usually lucrative foursomes where fans play with pros are also down.

"Tiger Woods is golf," said Jay Rosenstein, a former vice president of programming at CBS Sports. "The concern is that for a sport whose identity is so closely tied to the idea of honor, what he's gone through has to be incredibly damaging."

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### 2000s: Top 20 Games/Events

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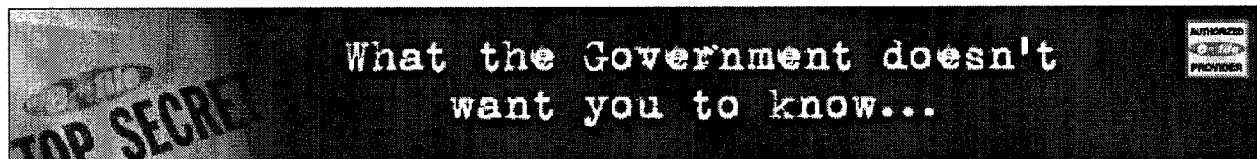
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Posted: Tuesday December 22, 2009 12:27PM; Updated: Tuesday December 22, 2009 1:26PM

2000s: Top 20 Female Athletes  
Summaries by Andrew Lawrence, SI.com

Our top 20 lists of the best male and female athletes of the decade were a team effort. We asked a group of writers and editors at SI.com to consider on-the-field achievements and come up with the best of the best. Each voter's top choice was awarded 20 points, followed by 19 for their second pick, 18 for their third, etc. There were no restrictions on athletes who have admitted to using or have been linked to performance-enhancing drugs, though many voters acknowledged that such considerations did influence their choices.

#### 1 Serena Williams

Some might argue that Williams, 28, is the best story in sports (notwithstanding her temper tantrum at the 2009 U.S. Open). Consider her accomplishments this decade: She won nine of her 10 Grand Slam singles titles and two Olympic gold medals in doubles (with her sister **Venus**), and she recently reclaimed the No. 1 ranking. She boasts the most powerful game in modern tennis, and she is best when the stakes are highest. Throw in the nearly \$29 million in prize money -- most of it earned in the aughts -- and it's an improbable haul for a woman who was schooled in the game along with Venus by their father, the self-taught **Richard**, on pockmarked public courts in Compton, Calif.



#### 2 Annika Sorenstam

Few things can derail an athlete's focus like divorce, but for Sorenstam, her split with her first husband, **David Esch**, had the opposite effect. They parted ways in 2005, during a stretch in which the 5-foot-6 Swede won 43 of the 104 events she entered for a staggering 42.7 winning percentage. (*Golf World* later referred to this torrid run as Sorenstam's "**Koufax** years.") Sorenstam, who retired in 2008, finished first on the money list five years in a row and won eight of her 10 majors this decade.



#### 3 Yelena Isinbayeva

This 5-foot-8 Russian has taken pole vaulting to new heights -- or, as her American rival **Chelsea Johnson** told *Sports Illustrated*, "She made the sport." In addition to two Olympic gold medals (in 2004 and '08) and three IAAF Female Athlete of the Year awards ('04, '05 and '08), the 27-year-old Isinbayeva owns just about every record there is to be had in pole vaulting. After clearing the mythical 5-meter mark, in 2005, she set new outdoors (5.06 meters) and indoors (5.00) standards earlier this year.



#### 4 Justine Henin

Tennis fans rejoiced when the former No. 1 announced in September that she was ending a 16-month retirement -- and with good reason. Pound for pound, there may not have been a better player in the aughts than the 5-foot-6 Belgian, who won all seven of her Slams from 2003-07. Wimbledon was the only major that eluded her, and she'll have plenty of time between the start of her comeback in January and the beginning of the fortnight in June to get her splendid one-handed backhand in championship form.



#### 5 Lisa Leslie

Leslie is a pro basketball cornerstone. But her career didn't turn the corner until the 2000s, when she won three of her four Olympic gold medals, three WNBA MVP awards and two WNBA championships, and made seven of her eight All-Star appearances. When she retired at the end of the 2009 season, at age 37, to devote more time to her young daughter, **Lauren Jolie**, Leslie had more points (6,263) and rebounds (3,307) than any other WNBA player -- as well as the league's first dunk in a game.



#### 6 Venus Williams

Few opened the decade with a bigger bang than Venus, who won four of her seven career Grand



Slam singles titles in 2000 and '01 while racking up a 35-match winning streak that remains the longest of the decade. Though a spate of injuries has forced the 29-year-old to cede dominion of the WTA Tour to her younger sister, the world's sixth-ranked player always seems to be in fighting form for Wimbledon, where she has won three titles over the past five years.

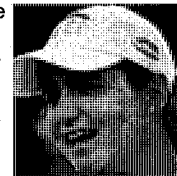
#### 7 Marta

When it comes to the beautiful game, there are few players lovelier than this 23-year-old Brazilian -- or as prodigious. The forward led her national team to silver medals in the Athens and Beijing Games and has been awarded FIFA's Women's World Player of the Year three times (2006, '07 and '08). At the 2007 Women's World Cup, where Brazil defeated the U.S. in the semifinals and finished second, she won the Golden Ball as best player and the Golden Boot as top scorer.



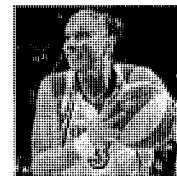
#### 8 Lorena Ochoa

Few tabbed this 28-year-old Guadalupe as the heiress apparent to Sorenstam when she joined the LPGA Tour in 2002. But in the time since, Ochoa has established herself as exactly that -- no year more emphatically than in 2007, when she overtook Sorenstam atop the rankings and obliterated her record for money earned in a single season, with more than \$4 million. The following year, Ochoa added a spring major title to the one she had captured late the previous summer, making her the first player since Sorenstam in '05 to go back-to-back.



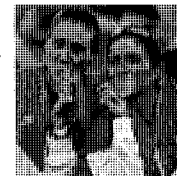
#### 9 Diana Taurasi

She began the millennium dominating in college (leading UConn to three NCAA titles from 2002-04), graduated to ruling internationally (winning Olympic gold medals in '04 and '08) and then -- for good measure -- capped the decade by claiming her second WNBA title (two years after her first, in '07) and league MVP honors with the Phoenix Mercury. Suffice it to say that Taurasi has hoarded just about every major honor for herself.



#### 10 Misty May-Treanor and Kerri Walsh

When these Californians teamed up in 2001, expectations for the partnership were modest. The yield, however, was anything but. Starting in August 2007, after winning 39 consecutive matches on the AVP tour in '03 and a gold medal at the Athens Games a year later, the pair launched a streak of 112 victories and 19 titles. The last, at the Beijing Games in '08, made them the first beach volleyball team to repeat as gold medalists.



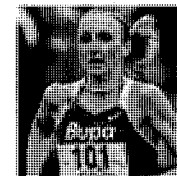
#### 11 Candace Parker

This 6-foot-5 guard/forward/center's greatness was proved late in the decade: After winning consecutive NCAA titles at Tennessee in 2007 and '08, a gold medal in Beijing in '08 and the WNBA MVP as a rookie that same year, the 23-year-old from Naperville, Ill., took 10 months off to have her first child. She returned to the WNBA near midseason in '09 and was back among the league leaders in scoring (18.0 points), rebounding (10.7) and blocks (1.8) by the postseason.



#### 12 Paula Radcliffe

Radcliffe has been so dominant at the New York City Marathon over the past five years that she makes news when she *doesn't* reach the podium. She had the presses all but grinding to a halt last month when knee problems limited her to a fourth-place finish. Nonetheless, it's been quite a run for the 36-year-old Brit, who, in addition to her three wins in New York, took gold at the 2005 world championships and set the women's marathon record of 2:15:25 in '03.



#### 13 Janica Kostelic

Nicknamed the "Snow Queen of Croatia," the 27-year-old Zagreb native may well be one of the greatest skiers of all time. Four years after winning three alpine skiing gold medals at the Salt Lake City Olympics-- she has four golds overall -- she became the third woman in World Cup history to win races in all of the sport's five disciplines. Kostelic, who is now retired, also holds the record for the highest number of points in one season.



#### 14 Carolina Klufft

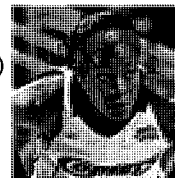
Given Klufft's mixed sports breeding -- her father played pro soccer and her mother was an international long jumper -- it's only natural that the 26-year-old Swede would excel in such a wide



array of disciplines on the track. Since March 2002, she is unbeaten in 22 heptathlon and pentathlon events and has won nine consecutive gold medals in major championships. What's more, the record 7,032 points she scored in the heptathlon at the European Indoor Championships trails only **Jackie Joyner-Kersey's** 7,291 for most ever.

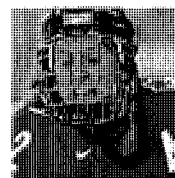
#### 15 Sheryl Swoopes

This native Texan has been called "the female **Michael Jordan**," and justifiably so. After opening the decade by leading the Houston Comets to the last of a record four straight WNBA titles, Swoopes added to her personal trophy case. She was named the league's MVP three times (2000, '02 and '05) and Defensive Player of the Year an unprecedented three times in a row (2000 through '03). The dynamic 6-foot guard also picked up two more Olympic gold medals (in 2000 and '04), raising her total to three.



#### 16 Hayley Wickenheiser

When the 31-year-old forward wasn't carrying Team Canada on the international stage -- she led it to two gold medals in the past two Winter Olympics and three golds and two silvers in five of the past nine world championships -- she was crashing the boys' club in professional hockey. In 2003, she became the first woman to score a goal in a men's league, in Europe. She's been in and out of men's hockey since then, most recently signing with a club in Sweden. If that career path doesn't work out, she can always fall back on her softball skills. She captained Team Canada in the 2000 Summer Games.



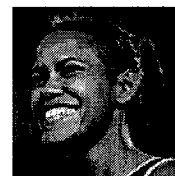
#### 17 Cat Osterman

Few were as dominant on the softball mound as the 26-year-old southpaw. During her four-year career at Texas, she set the Division I record for strikeouts (2,265) -- some of which she sprinkled across 20 no-hitters and 10 perfect games. (Her success is partially explained by her massive hands, which enable her to grip an entire softball with her fingers rather than just cradle it in her palm.) She brought even more magic to the international stage, leading the U.S. to a gold and silver at the Athens and Beijing Games, respectively.



#### 18 Cathy Freeman

Sidelined for the 1998 season with an injury, the trailblazing Aussie sprinter was a woman rejuvenated when she came back to the sport the following year. She really hit her stride in 2000, when she raced to Olympic gold in the 400 meters with a time of 49.11 seconds. More poignant than the fact that she accomplished this feat in Sydney was that it made her Australia's second Aboriginal Olympic champion. Two years later, she anchored Australia's victorious 4x400-meter relay team in the Commonwealth Games.



#### 19 Dara Torres

This 42-year-old Floridian's anti-aging secret may lie in the pool, where she continues to defy her age. In 2000, she came back from retirement at age 33 and reached the podium five times at the Sydney Games (including twice for gold). Then she retired and came back again -- at age 40 and 15 months removed from childbirth -- to win gold in the 100-meter freestyle at U.S. Nationals on the way to three silver medals in Beijing.



#### 20 Tirunesh Dibaba

You could say that running is in the 24-year-old Ethiopian's blood. Her cousin **Derartu Tulu** is a two-time Olympic and one-time world 10,000-meter champion, and a multiple world cross-country medalist. Dibaba's personal medal haul -- which includes Olympic golds in the 5,000 and 10,000 meters (2008) as well as a bronze ('04) and four world championship golds -- has set a standard that will be tough for future generations within the family and outside to surpass.



**Next Group:** Georgeta Andrunache, Kim Clijsters, Natalie Coughlin, Birgit Fischer, Guo Jingjing, Michelle Kwan, Nastia Liukin, Dawn Staley, Lindsey Vonn, Karrie Webb.

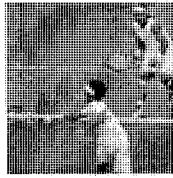
#### 2000s: The Decade Across Sports

##### ARTICLES/GALLERIES

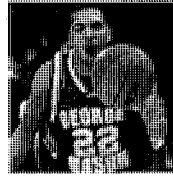
**Best:** Male athletes | Female athletes  
**Biggest:** Deals | 1-hit wonders | Stories  
**Greatest:** Teams | Coaches | Executives  
**Notable:** Milestones | Innovations  
**Hottest:** Rivalries | New stadiums  
**Notorious:** Scandals in sports | Flops

##### GALLERIES

**Sneaky good:** Overlooked performances  
**Praiseworthy:** Acts of sportsmanship



Top 20 Games



Top 10 Upsets



Photos of the 2000s

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2000s: Top 20 Male Athletes

Summaries by John Rolfe, SI.com

Our top 20 lists of the best male and female athletes of the decade were a team effort. We asked a group of writers and editors at SI.com to consider on-the-field achievements and come up with the best of the best. Each voter's top choice was awarded 20 points, followed by 19 for their second pick, 18 for their third, etc. There were no restrictions on athletes who have admitted to using or have been linked to performance-enhancing drugs, though many voters acknowledged that such considerations did influence their choices.

#### 1 Tiger Woods

Those who scoff at choosing a golfer as the greatest athlete of the decade need only look at how Woods won the 2008 U.S. Open in a 91-hole marathon over **Rocco Mediate** while playing on a double-stress-fractured left leg and with a torn ligament in his knee that subsequently required surgery and eight months of recovery. "He's so hard to beat," Mediate said. "He's unreal." During the decade, golf's most towering presence continued to flood the record book while winning 74 events (56 on the PGA Tour) — 45 more than rival **Phil Mickelson** and 41 more than **Vijay Singh**, who held the top ranking during Woods' 2004 slump. Woods, 33, has racked up 12 of his 14 majors since 2000, leaving him just four shy of **Jack Nicklaus'** career mark. And, according to *Forbes*, Woods is the first athlete to earn a cool billion in winnings and endorsements, although his public image has taken a huge hit with a flood of revelations about his infidelity.



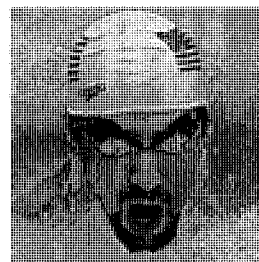
#### 2 Roger Federer

Since his first ATP win, in 2001, Federer has become arguably the greatest tennis player of all time, winning 15 Grand Slam singles titles and making 21 major finals appearances (both records) — including 17 of the last 18. He was No. 1 in the world for a record 237 consecutive weeks before **Rafael Nadal** dethroned him in 2008. But even as he "struggled," Federer reclaimed the top ranking this year by reaching four Grand Slam finals and winning two, including his first French Open title and his sixth Wimbledon in an epic five-set victory over **Andy Roddick** that pushed the 28-year-old Federer past **Pete Sampras** as the sport's all-time Grand Slam king.



#### 3 Michael Phelps

Like **Secretariat**, whose heart was physically larger than a normal thoroughbred's, Phelps' 79-inch wingspan and ferocious drive enabled him to top the Mount Olympus of feats: the seven Olympic gold medals won by **Mark Spitz** at the Munich Olympics in 1972. At the 2008 Beijing Games, Phelps, 23, won eight in an exhausting 17 races, including three relays, setting seven world marks in nine days, often with scant time to rest in between and, in the case of the 200-meter butterfly, leaky goggles. Since his Olympic debut at age 15 in 2000, he has won 16 medals, including a record 14 gold, and ranks as the second-most decorated Olympian behind Soviet gymnast **Larissa Latynina** (18).



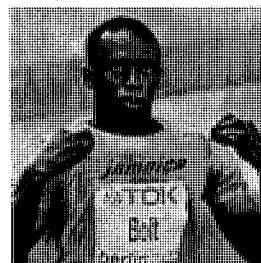
#### 4 Lance Armstrong

If the Tour de France is the world's most grueling sports event — covering approximately 2,200 miles, including several tortuous mountain climbs, in 21 days — then a record seven wins, including six in a row from 2000-05, stand as the decade's landmark achievement. Dogged by doping accusations that were never proven, the relentlessly driven Armstrong retired after his 2005 victory, but his thirst for competition lured him back. By Stage 7 of the '09 Tour, he was within 0.138 seconds of the yellow jersey before fading to a respectable third. Not bad for a 37-year-old cancer survivor.



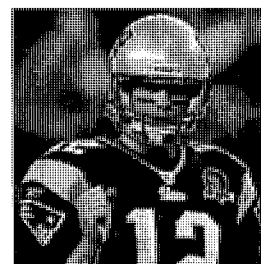
## 5 Usain Bolt

With his sport on the brink of irrelevance due to a rash of performance-enhancing drug violations, the electrifying Jamaican sprinter with the apt nickname "Lightning Bolt" awed a skeptical world. At 6-foot-5 and blessed with a long but unusually quick stride, he set jaw-dropping world records at the 2008 Beijing Olympics in the 100 meters (9.69, while slowing in the final 15 meters for celebratory styling), 200 meters (19.30; considered unthinkable after **Michael Johnson's** 19.32 in 1996) and 4x100-meter relay. At the 2009 world championships, Bolt obliterated his own marks with a 9.58 in the 100 and a dazzling 19.19 in the 200.



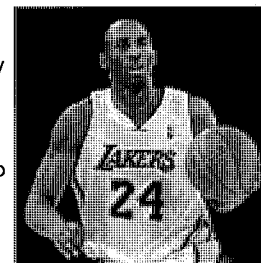
## 6 Tom Brady

Brady began the 2009 season as the winningest quarterback of the Super Bowl Era (with a 101-27 career record, minimum 100 starts), his place secure among the greatest big-game players. A three-time Super Bowl champion and MVP of two, his 14 postseason wins stood second to **Joe Montana** (16). Brady's 2007 NFL MVP season was near perfection: 18-1 overall -- the lone loss coming in his fourth Super Bowl to an underdog that needed a miracle play -- while leading the highest-scoring offense in NFL history (589 points) with 4,806 yards passing and a record 50 TDs with the best TD-to-interception differential (plus-42) of all time.



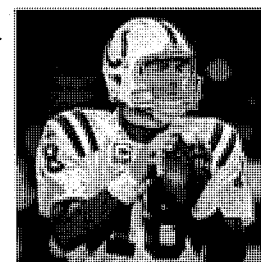
## 7 Kobe Bryant

If there was any doubt about his ability to lead and win without **Shaquille O'Neal**, Bryant buried it with his 2009 Finals MVP award, morphing from notorious ball-hog to bona fide team guy. The championship was his fourth by age 30 -- more than **Michael Jordan** had by that age -- and it capped a decade in which Bryant staked his claim as the NBA's premier player: 10-time All-Star, seven All-NBA and seven All-Defensive selections, 2007-08 MVP, two scoring titles. His 81 points against Toronto on Jan. 22, 2006, rank second to **Wilt Chamberlain's** legendary 100, and Bryant has passed **Kareem Abdul-Jabbar** to move into second place on the Lakers' all-time scoring list.



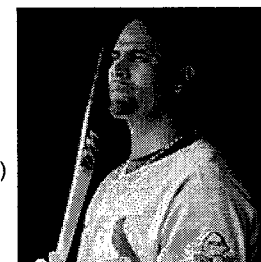
## 8 Peyton Manning

Durable (no missed starts), meticulously prepared, an improvisational genius, the decade's most prolific quarterback's records include six straight years (including 2000-04) of 4,000 or more yards passing; 4,000 career completions amassed in 183 games (10 fewer than **Dan Marino**); a 121.4 passer rating (2004); and seven fourth-quarter comeback wins (2009). One of only two three-time NFL MVPs (2003, '04 and '08), the Super Bowl XLI MVP has led the Colts to a seventh straight 12-win campaign, this time under a new coach and with a negligible running game. "If this year's not an indication of Peyton Manning's greatness, I don't know what ever would be," Chiefs GM **Scott Pioli** told *SI* recently.



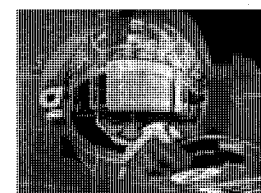
## 9 Albert Pujols

His nine straight years of at least 32 home runs, 103 RBIs, .314 batting average and 99 runs scored constitute the greatest start in major league history. In 2003, Pujols, then 23, was the youngest National League batting champ (.359) since 1962. Now a three-time NL MVP (2005, '08 and a unanimous choice in '09), eight-time All-Star and Gold Glove fielder ('06), El Hombre has led the Cardinals to five NL Central titles, two NL pennants (he was the '04 NLCS MVP) and the '06 World Series championship. Those who maintain that he is untainted by performance-enhancers (he has never tested positive for a banned substance) say his character is reflected in the **Roberto Clemente** Award he won in 2008 for best exemplifying the game on and off the field.



## 10 Michael Schumacher

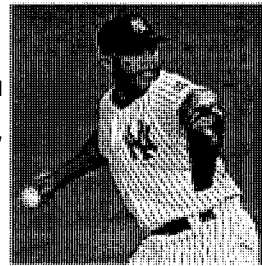
The Red Baron (nicknamed for his German heritage and the color of his Ferrari) won 56 of his record 91 Grand Prix from 2000 until his retirement after the 2006 season. His unprecedented five Formula One championships in a row (2000-04) made him arguably Europe's most famous athlete. (In '04, Schumacher hauled in about \$80 million from endorsements, second only to Tiger.) In 2002, he won 11 of 17 races during a season in which he never finished lower than third, and in '04 set the F1 single-season mark of 13 wins, all while rules and technologies were changed for the sake of a little parity as well as



safety.

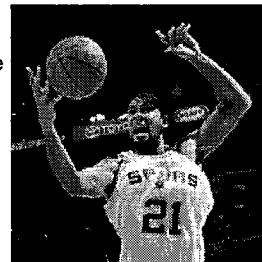
#### 11 Mariano Rivera

Nearly as automatic as the sunrise, Rivera ended the decade the way he closed the 2000 season: by getting the final out of the World Series (while battling a rib-cage injury, yet). In between, he outlasted or outperformed every other top-20 closer of 10 seasons ago (only three are still in the majors). Rivera is now the second pitcher to earn 500 career saves, and his postseason numbers have been stunning: 26 saves, 0.94 earned run average, 68 strikeouts, 12 walks, only 52 hits in 86 innings. Expectations of his decline due to age, injury or slump were consistently premature. In 2008, at 38, he had a career-best 0.665 WHIP and has blown only three saves in 86 chances the past two seasons.



#### 12 Tim Duncan

The epitome of quiet excellence in a look-at-me league, Duncan was the NBA's MVP in 2002 and '03, and Finals MVP in '03 and '05. Behind Duncan, the Spurs last year became the third team in NBA history to have 10 consecutive 50-win seasons. "In my 20 years in the NBA, Duncan is the best big [man] to play the game," former coach **Jeff Van Gundy** told *SI* in 2007 as the Spurs were en route to their third title of the decade (Duncan's fourth overall). [**Shaquille**] **O'Neal** always had the benefit of a dominant perimeter player, from [**Penny**] **Hardaway** to [**Kobe**] **Bryant** to [**Dwyane**] **Wade**. Duncan has had very good players, but he's never had that dominant player, so that's why I give him the edge."



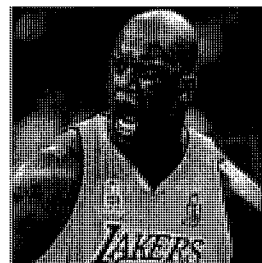
#### 13 Zinedine Zidane

He stopped playing more than three years ago (in his last game, a World Cup final, he was ejected for head-butting an opponent), but the 2000 and '03 FIFA World Player of the Year still earned the most votes for a soccer player on our list. He finished just ahead of **Ronaldinho**, who also won the FIFA award twice during the decade, but didn't rival Zidane's reign atop the global game. The spectacularly gifted but temperamental midfielder led France to the 2000 Euro title and scored our goal of the decade (Duncan's fourth overall). Coaxed out of international retirement for the '06 World Cup, he carried France through the knockout rounds against Spain, Brazil and Portugal before his team fell to Italy on penalty kicks.



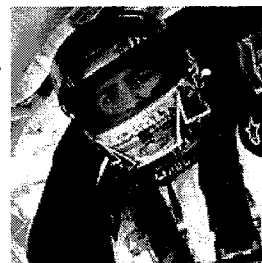
#### 14 Shaquille O'Neal

Both an unstoppable force and an immovable object, the 7-foot-1, 325-pound Diesel stood as the dominant center of his generation. Shaq was the regular-season and Finals MVP in each of the Lakers' three consecutive titles from 2000-02 (Michael Jordan is the only other player to accomplish a Finals three-peat). O'Neal left Los Angeles for Miami in 2004, promised a championship, and delivered in '06 alongside Dwyane Wade. At 37, Shaq remains an All-Star who last season passed Wilt Chamberlain by leading the NBA in field-goal percentage for a record 10th time (seven this decade).



#### 15 Jimmie Johnson

It's remarkable to think that all of Johnson's success -- he's won more races than any other Sprint Cup driver this decade (47), and this year he became the first to win four consecutive championships -- has happened since he entered the series full time in 2002. Along with his 47 wins, he has 117 top-five finishes and 180 top 10s, and he's been fifth or better in the standings every year. At 34, he has a fantastic chance to tie or pass **Richard Petty**'s and **Dale Earnhardt Sr.**'s record of seven championships. "Jimmie and his team might be the best there's ever been," Petty told *SI* recently. "It's hard to compare drivers from different eras, but I do know this: I wouldn't want to be racing against him right now."



#### 16 LeBron James

He has justified his hype by evoking comparisons to **Magic Johnson**, **Michael Jordan** and **Oscar Robertson** while lifting the Cavaliers to title-contender status. His size (6-foot-8, 260-plus pounds), strength, finishing ability, passing and smarts made him the youngest NBA Rookie of the Year (at age 19), a five-time All-Star, a scoring champion (2007-08), the





'09 NBA MVP, a triple-double machine and the second player, after Robertson, with five straight seasons of averaging at least 27 points, six rebounds and six assists. His work ethic has made him a lockdown defender and his leadership and expanding potential inspired Hall of Famer **Jerry West** to say James could become the greatest player in the history of the game.

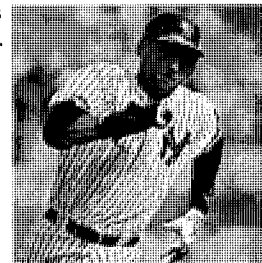
#### 17 Manny Pacquiao

Pacquiao won six division championships in the 2000s (he owns a record seven overall), a body of work that gave him a slight edge in the voting over **Floyd Mayweather Jr.**, who also staked his claim as the world's finest pound-for-pound boxer. Pacquiao's record for the decade (23-1-2 with 20 KOs) includes wins over **Marco Antonio Barrera**, **Erik Morales**, **Juan Manuel Marquez**, **Oscar De La Hoya** and **Miguel Cotto**. After Pacquiao's convincing victory against Cotto in November, his promoter, **Bob Arum**, told *SI*: "I've been around **Muhammad Ali**, **Marvin Hagler** and **Sugar Ray Leonard**. "Manny Pacquiao is the best fighter I've ever seen."



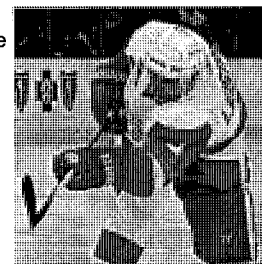
#### 18 Derek Jeter

The classy, clutch eye of the Yankees' perpetual pressure hurricane passed **Lou Gehrig** as the storied franchise's all-time hits leader and became the all-time leader among shortstops. He's also the first to reach 200 home runs and 200 steals. Statheads declared him baseball's worst fielder at his position, but in 2009, he won his fourth Gold Glove since 2000. A consummate gamer (see his flip play in Game 3 of the 2001 American League Division Series), Jeter's postseason slate for the decade included a .307 batting average, .378 OBP, 64 runs, 16 homers and 43 RBIs in 93 games that yielded four pennants, two World Series titles and the 2000 Series MVP award.



#### 19 Nicklas Lidstrom

The NHL's most accomplished player, his excellence as a passer, power-play quarterback and defender (he averaged less than 40 penalty minutes per season while logging major ice time against top lines) precedes and survives the 2004-05 lockout that led to rules promoting offense. Lidstrom's six Norris Trophies (three pre-lockout; three after) place him behind only iconic Hall of Famers **Doug Harvey** (seven) and **Bobby Orr** (eight). His silverware haul this decade also includes two Stanley Cups – the last, in 2008, made him the first European captain of an NHL champion – and an Olympic gold medal with Sweden in 2006.



#### 20 Alex Rodriguez

Had his steroid admission not clouded his résumé, the game's reputed best all-around player, who reached 500 homers in 2007 at a record pace (32 years, eight days), would rank higher. The eight-time All-Star won three AL MVP Awards (in 2003, '05 and '07), though his playoff struggles and gossip-page celebrity made him a sideshow. This year, A-Rod finally validated his paper in the postseason: .365 average, six homers, a Yankees-record 18 RBIs, .808 slugging percentage in 52 at-bats. Eight of his RBIs tied games or provided the lead, and the Angels made him only the second player (**Barry Bonds**, '03) to receive a postseason intentional walk in the ninth inning with no one on base.



**Next Group:** Kenenisa Bekele, Barry Bonds, Martin Brodeur, Sidney Crosby, Ichiro, Floyd Mayweather Jr., Rafael Nadal, Ronaldinho, Ronaldo, Roman Sebrle.

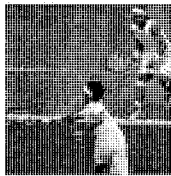
#### 2000s: The Decade Across Sports

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**Best:** Male athletes | Female athletes  
**Biggest:** Deals | 1-hit wonders | Stories  
**Greatest:** Teams | Coaches | Executives  
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##### GALLERIES

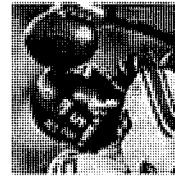
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On DEMAND – Channel 1

FREEZONE – Free Programming  
Movies On DEMAND  
HD On DEMAND – on channel 700  
Anime Network On DEMAND  
Subscription required  
here! On DEMAND  
Subscription required  
WWE 24/7 On DEMAND  
Subscription required  
Howard Stern On DEMAND  
Subscription required  
HBO On DEMAND  
Included with HBO  
Cinemax On DEMAND  
Included with Cinemax  
Starz On DEMAND  
Included with Starz  
Showtime On DEMAND  
Included with Showtime  
Adult On DEMAND

BASIC SERVICE\*

- 2 TeleFutura (WMDO)
- 3 WDCW (The CW) Channel 33 without receiver
- 4 WRC 4 (NBC) Channel 34 without receiver
- 5 WTTG 5 (FOX) Channel 35 without receiver
- 6 Galavision without receiver
- 7 WJLA 7 (ABC) Channel 37 without receiver
- 8 News Channel 8
- 9 WUSA 9 (CBS) Channel 39 without receiver
- 10 Fairfax Cable Access<sup>COorD</sup>
- 12 Cities of Fairfax/Falls Church
- 14 Univision (WFOU)
- 15 ion (WPXV)
- 16 Fairfax County Government
- 17 TBS
- 18 George Mason University<sup>COorD</sup>
- 19 NVCC<sup>COorD</sup>
- 20 WDCA (My20)
- 21 FCPS Red Apple 21
- 22 WMPT<sup>COorD</sup>
- 23 Towns of Herndon/Vienna
- 24 QVC
- 25 FCPS Community Classroom
- 26 WETA
- 29 ShopNBC<sup>COorD</sup>
- 30 FPA International Access<sup>COorD</sup>
- 31 WGN Channel 43 without receiver
- 32 WHUT<sup>COorD</sup>
- 34 HSN Channel 4 without receiver
- 37 FPA Community Board<sup>COorD</sup>
- 38 Cable Marketplace
- 41 C-SPAN
- 42 C-SPAN2<sup>COorD</sup>
- 43 C-SPAN3<sup>COorD</sup>
- 99 FCPS Teaching Channel

EXPANDED SERVICE\*

- 53 Spike TV
- 54 Speed Channel
- 55 ESPN 2
- 56 ESPN
- 57 Comcast SportsNet
- 58 Lifetime
- 59 HGTV<sup>COorD</sup>
- 60 Food Network
- 62 MTV

- 64 VH1
- 65 CMT
- 66 BET
- 67 msnbc
- 68 CNBC
- 69 The Weather Channel
- 70 CNN Headline News<sup>COorD</sup>
- 71 CNN
- 72 Fox News
- 73 Discovery Channel
- 74 Cox Sports
- 75 The Learning Channel
- 76 A&E
- 77 The History Channel
- 78 Animal Planet
- 79 TruTV
- 80 USA Network
- 81 FX
- 82 Syfy
- 83 E! Entertainment Television
- 84 TV Land
- 85 Comedy Central
- 86 Travel Channel
- 87 TNT
- 88 Telemundo/WZDC
- 89 Galavision Channel 6 without receiver
- 90 Cartoon Network
- 91 Nickelodeon<sup>COorD</sup>
- 92 The Disney Channel<sup>COorD</sup>
- 93 American Movie Classics
- 94 Turner Classic Movies<sup>COorD</sup>
- 100 Bravo
- 101 ABC Family
- 102 MASN

DIGITAL DISCOVERY TIER\*\*1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

DIGITAL MOVIE TIER\*\*1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

DIGITAL VARIETY TIER\*\*1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/8

Rates do not include PEG fees and other costs paid to local and federal governments and the communications sales tax paid to the state government.

Three Product Bundles Available!

Call and ask about our special bundle pricing today!

TV Service

SERVICES	FEES
<b>Analog Programming Service Rates</b>	
Basic Service	\$22.99/mo.
Expanded Service (includes Basic service)	\$52.99/mo.
Cox Service Assurance Plan <sup>1</sup>	\$ 4.99/mo.
<b>Digital Tiers</b>	
Digital Gateway*	\$ 6.99/mo.
Movie Tier: 10 channels of digital movies	\$ 2.00/mo.
Variety Tier: 29 channels of variety programming	\$ 2.00/mo.
Sports & Info Tier: 17 channels of news & sports programming	\$ 2.00/mo.
Discovery Tier: 19 Channels Includes Discovery programming & more (free with any digital tier)	\$ 2.00/mo.
International Tier: 15 channels Includes Korean, Chinese, & other ethnic programming (free with any digital tier)	
* Basic and Digital Gateway are required for digital service and include Interactive Program Guide (IPG), 48 Digital Music Choice channels, plus access to On DEMAND, Pay-Per-View, premiums & digital tiers.	
<b>On DEMAND Subscription Channels</b>	
WWE Classics	\$ 6.99/mo.
Anime here!	\$ 6.99/mo.
Howard Stern	\$13.99/mo.
Disney Family	\$ 6.99/mo.
Faith and Family Movies	\$ 6.99/mo.
Bollywood	\$ 9.99/mo.
The Jewish Channel	\$ 6.99/mo.
HBO On DEMAND (Included w/HBO subscription)	
Cinemax On DEMAND (Included w/Cinemax subscription)	
Starz On DEMAND (Included w/Starz subscription)	
Showtime On DEMAND (Included w/Showtime subscription)	
Paquete Latino	\$37.48/mo.
Includes Digital Gateway, one receiver and remote, limited basic and 25 channels of Hispanic programming and 5 digital music channels	
<b>Cox Family Package</b>	
Includes limited basic and 15 channels of programming effectively rated "G" and suitable for family viewing. Receiver included.	
<b>Digital Premium Services<sup>2</sup></b>	
1 premium channel	\$15.99/mo.
2 premium channels	\$23.99/mo.
3 premium channels	\$31.99/mo.
4 premium channels	\$39.99/mo.
HBO (9 channels) • Showtime (7 channels) • Cinemax (8 channels) • Starz (6 channels)	
<b>Digital International Premiums</b>	
Arab Radio and Television	\$12.99/mo.
Bridges TV	\$14.99/mo.
Channel One Russia	\$13.99/mo.
CTI Zhong Tian Channel (Chinese)	\$ 9.99/mo.
GMA Pinoy (Filipino)	\$11.99/mo.
Phoenix North America Chinese Channel (PSTV) (Mandarin)	\$ 9.99/mo.
RAITALIA (Italian)	\$ 8.99/mo.
RTN (Russian)	\$13.99/mo.
Saigon Broadcasting Television Network	\$14.99/mo.
Sony TV (SET Asia) (Hindi)	\$13.99/mo.
SETANTA Sports	\$12.99/mo.
STAR India GOLD	\$ 8.99/mo.
STAR India ONE	\$ 8.99/mo.
STAR PLUS	\$10.99/mo.
TFC (The Filipino Channel)	\$11.99/mo.
TV Asia (\$24.99 with ZEE TV)	\$14.99/mo.
TV Japan	\$19.99/mo.
TVSMONDE	\$ 8.99/mo.
ZEE TV (Hindi & Indian/South Asian programming; \$24.99 with TV Asia)	\$14.99/mo.
Chinese Package: CTI Zhong Tian Channel + PSTV	\$16.99/mo.
Filipino Package: GMA Pinoy + TFC	\$16.99/mo.
<b>South Asian Packages:</b>	
ZEE TV + Sony TV	\$24.99/mo.
ZEE TV + Sony TV + STAR PLUS	\$29.99/mo.
ZEE TV + Sony TV + STAR PLUS + TV Asia	\$38.99/mo.
Russian Package: Channel One Russia + RTN	\$20.99/mo.
iN Demand Pay-Per-View & Movies On DEMAND	Rates Vary

Cox One-Way Digital Plug-and-Play Cable Card™ Tuning Adapter	\$ 1.99/mo. No Charge
Digital Video Recorder (DVR)	
DVR service (receiver not included)	\$ 9.99/mo.
HD/DVR service (receiver not included)	\$ 9.99/mo.
<b>Digital Equipment</b>	
Digital receiver & remote	\$ 5.50/mo.
Additional digital outlets (includes digital receiver & Digital Gateway)	\$ 11.49/mo.
DVR receiver (replaces digital receiver - service not included)	\$ 5.50/mo.
HDTV receiver (replaces digital receiver)	\$ 7.99/mo.
HD/DVR receiver (replaces digital receiver - service not included)	\$ 7.99/mo.
<b>Analog Equipment</b>	
Analog receiver plus remote	\$ 5.50/mo.
TV Guide optional weekly magazine	\$ 3.99/mo.
<b>Installation/Miscellaneous Charges</b>	
ONE-TIME FEES	
New Service/Transfer Standard Installation (primary outlet)	\$ 29.99
Service Call Charge for non-CSAP customer	\$ 59.99 <sup>3</sup>
CableCARD™ Installation and activation	\$ 29.99
Additional Outlet Installation (during initial install visit)	\$ 10.00
Additional Outlet Installation (separate visit)	\$ 29.99
Relocate Outlet (video or high-speed Internet)	\$ 29.99
Additional Outlet Kit (analog only)	\$ 5.95
Digital Self Install 2nd Trip Charge	\$ 29.99
Digital Upgrade (current non-digital customers only)	\$ 29.99
Additional Digital Outlet (same visit)	\$ 10.00
Digital Downgrade to Analog	\$ 19.99
DVR Upgrade	\$ 29.99
HDTV Upgrade	\$ 29.99
Programming/Service Change (electronic)	\$ 5.00
Programming/Service Change (trip required)	\$ 41.99
VCR Hook-Up (trip required)	\$ 59.99
Account Reconnection HSI/Cable (trip required)	\$ 19.99
Wall Fish (per wall, floor or ceiling - each)	\$ 59.99
Returned Check/Declined Credit Card Charge	\$ 50.00
Late Payment Fee	\$ 5.00
Field Collections Charge	\$ 25.00
Electronic Reactivation Fee (one charge for Video and/or Data reconnects)	\$ 20.00
Deposit (when required)	\$ 80.00
<b>Lost Equipment Charges</b>	
Cox remote controls	\$ 4.27
SA digital receiver	\$224.00
SA DVR receiver	\$329.00
SA HD/DVR receiver	\$429.00
CableCARD™	\$ 65.00
SA HDTV receiver	\$282.00
Basic non-addressable receivers	No Charge
Tuning Adapter	\$136.50
<b>High Speed Internet Service<sup>3</sup></b>	
Cox Ultimate Package	\$139.99/mo.
Up to 55 Mbps down with PowerBoost™	
Cox Premier Package	\$59.99/mo.
Up to 30 Mbps down with PowerBoost™	
Cox Preferred Package	\$44.99/mo.
Up to 20 Mbps down with PowerBoost™	
Cox Essential Package	\$32.99/mo.
Up to 3 Mbps down	
Cox Starter Package	\$22.99/mo.
Up to 1 Mbps down	
Additional IP Address (1st IP free, maximum 3 total)	\$6.95/ea.
Home Networking Service	\$4.99/mo.*
<b>Installation/One-Time Charges</b>	
Cox High Speed Internet Self-Install	No Charge
Cox High Speed Internet Professional Installation	\$ 99.99
Cox High Speed Internet Self Install (2 <sup>nd</sup> trip charge)	\$ 99.99
Home Networking Professional Installation (up to 4 computers)	\$149.99*
*Must purchase equipment from Cox Communications	
Late Payment Fee	\$ 5.00
Field Collections Charge	\$ 25.00
Electronic Reactivation Fee (one charge for Video and/or Data reconnects)	\$ 20.00
Returned Check/Declined Credit Card Charge	\$ 50.00
Deposit (when required)	\$ 80.00

Equipment Charge	
Cox cable modem	\$ 39.99
Cox DOCSIS 3.0 modem	\$ 99.99
Wireless Router 802.11n	\$ 89.99
Wireless USB Adapter 802.11n	\$ 69.99

Local & Long Distance Telephone Service

SERVICES	SERVICE FEES
Cox Connections Unlimited Includes unlimited local & nationwide Cox LD, plus 16 features (Voice Mail optional):	\$39.95/mo.
• Call Forwarding • Priority Ringing • Selective Call Acceptance	
• Call Waiting • Busy Line Redial • Call Forwarding - No Answer	
• Speed Dial 8 • Call Waiting ID • Call Forwarding on Call Waiting	
• Caller ID • Long Distance Alert • Selective Call Forwarding	
• Call Return • Call Forwarding - Busy • Voice Mail (optional)	
• Three-Way Calling • Selective Call Rejection	
Cox Connections Unlimited Value Includes unlimited local and nationwide Cox LD	\$29.99/mo.
Call Manager Package	\$24.95/mo.
• Primary Line • Voice Mail • Call Waiting • Caller ID	
Cox Service Assurance Plan <sup>1</sup>	\$ 4.99/mo.
Features Package	\$14.95/mo.
Solutions – Includes the following 16 features:	
• Call Forwarding • Priority Ringing • Selective Call Acceptance	
• Call Waiting • Busy Line Redial • Call Forwarding - No Answer	
• Speed Dial 8 • Call Waiting ID • Call Forwarding on Call Waiting	
• Caller ID • Long Distance Alert • Selective Call Forwarding	
• Call Return • Call Forwarding - Busy	
• Three-Way Calling • Selective Call Rejection	
• Call Waiting ID – Call Waiting • Caller ID	\$ 9.95/mo.
Long Distance <sup>4</sup> Cox Long Distance per minute	\$ .15
Simply 5¢ Savings Plan <sup>5</sup> per minute	\$ .05
per month	\$ 4.95
Cox Simply Worldwide <sup>SM</sup> (rates vary per country)	\$ 1.99/mo.
Cox International 60 (rates vary per country)	\$ 1.99/mo.
(Subscription to Digital International premium required)	
Asian Pacific 60 60 minutes	\$ 7.95/mo.
Each additional minute	\$ .06-.22 (varies by country)
Mi Conexion Latina 60 <sup>6</sup> 60 minutes	\$ 6.95/mo.
Each additional minute	\$ .14-.36 (varies by country)
Monthly Charges	
Phone lines (each) <sup>5</sup>	\$ 12.90
Non Listed in Directory	\$ 1.06
Non Published in Directory or 411	\$ 2.27
Additional Directory Listing	\$ 1.12
A-la-carte Features	Monthly Per Use
Anonymous Call Rejection	No charge N/A
Busy Line Redial <sup>6</sup>	\$ 1.80 \$ 0.70
Call Forwarding	\$ 3.40 N/A
Call Forwarding Busy	\$ 3.15 N/A
Call Forwarding - No Answer	\$ 3.15 N/A
Call Forwarding - Remote Access	\$ 4.50 N/A
Call Forwarding on Call Waiting	\$ 3.25 N/A
Call Number Block - per call	No charge N/A
Call Return Last Number Inbound <sup>6</sup>	\$ 3.90 \$ 0.75
Call Trace	N/A \$ 1.00
Call Waiting	\$ 4.75 N/A
Caller ID	\$ 8.45 N/A
Caller ID Per Use Blocking	No charge N/A
Distinctive Ring	\$ 5.50 N/A
Line Number Block	No charge N/A
Long Distance Alert	\$ 3.15 N/A
Priority Ringing <sup>7</sup>	\$ 2.70 N/A
Selective Call Acceptance	\$ 3.60 N/A
Selective Call Forwarding	\$ 3.60 N/A
Selective Call Rejection	\$ 3.60 N/A

Speed Dial 8	\$ 1.40	N/A
Three Way Calling <sup>4</sup>	\$ 3.40	\$ 0.70
Toll Restriction	\$ 1.50	N/A
Voice mail (with pager and fax)	\$ 8.30	N/A
Voice mail with extensions (and pager and fax)	\$10.50	N/A
900/976 Restriction	No charge	N/A
<b>Installation/One Time Charges</b>		ONE-TIME FEES
Activation (1st line)		N/A
2nd Line		\$ 29.95
3rd /4th Line		\$ 29.95
Deposit (when required)		\$100.00 <sup>8</sup>
Account Changes (per billing record change)		\$ 9.00
Directory Changes/Change Listing		\$ 10.80
Line Restoral Fee		\$ 25.00/line
Transfer - 1st Line		N/A
Transfer - Add'l Lines		N/A
Additional jack (same trip) not wired		\$ 29.95
Additional jack (separate trip)		\$ 29.95
PIC (Long Distance Provider) Change		\$ 5.00 <sup>9</sup>
LPIC (Local Toll Provider) Change		\$ 5.00 <sup>9</sup>
Telephone Number Change		N/A
Features (add/change) per line		\$ 9.00
Voice Mail Installation		\$ 9.95
Service call for Non-CSAP customer		\$ 46.00 <sup>10</sup>
Returned Check/Declined Credit Card Change (phone only)		\$ 50.00
<b>Directory &amp; Operator Charges</b>		
Directory Assistance Call Completion (DACC)	\$ 0.99/call	
(up to 3 free DACC calls per month, \$0.99 per call thereafter)		
<b>Lost Equipment Charges</b>		
Embedded Multimedia Terminal Adapter	\$ 81.00	

RETAIL LOCATIONS

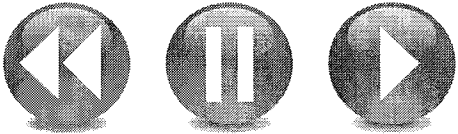
HERNDON LINCOLN PARK	FREDERICKSBURG
3080 Centreville Road	1310 Belman Road
Herndon, VA 20171	Fredericksburg, VA 22410
KINGSTOWNE	
5958 Kingstowne Town Center, Suite 100	
Alexandria, VA 22315	

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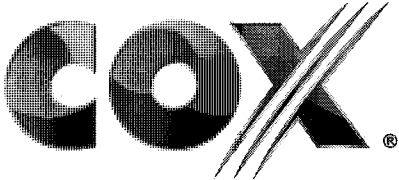
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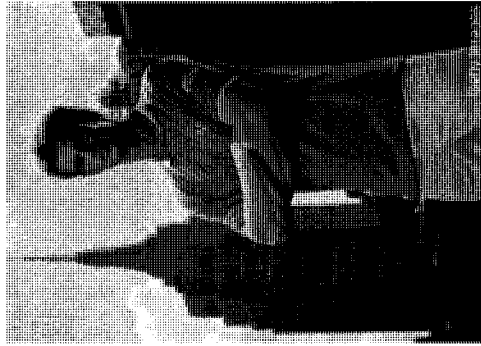
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Friday, February 12, 2010

## **WORLD NEWS**

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### **Murray Withdraws from Marseilles**



Andy Murray has followed swiftly in the wake of Juan Martin Del Potro in withdrawing from next week's Open 19 in Marseilles.

The third ranked Scot, who will slip back to no.4 in the world next week after failing to defend his title at Rotterdam's ABN Amro World Championships, has now pulled out of the Marseilles event two years running.

A brief statement from Murray's management company 19 Entertainment said: "Andy Murray has withdrawn from the Marseilles 250 tournament next week.

"After playing in Australia for five weeks, Andy has taken an extra week off to recuperate and recover for the long season ahead will play in the Dubai 500 tournament which starts on Monday 22 February."

So far the only ATP World Tour event Murray has played this year is the Australian Open where he reached the final before losing to Roger Federer.

He cited his reasons for not defending in Rotterdam that he felt bad about letting the Marseilles event down last year when he felt too fatigued to contest back to back indoor tournaments so soon after the Australian

Open.

Since returning from the Australian Open Murray has spent his time at his new mansion in Surrey, practicing, having treatment, relaxing and taking in a Premier League football match at Fulham's Craven Cottage.

\*\*\*

## Del Potro is Rehabbing From Wrist Injury



US Open champion and world no.5 Juan Martin Del Potro, troubled by tendonitis in his right wrist for much of the since his New York triumph last September, has been ordered to take at least a month's rest to help overcome the problem.

The 21 year-old Argentine lost in the fourth round of the Australian Open last month after suffering a recurrence of the injury during the warm up exhibition Aami Classic that forced him to pull out of the Kooyong event. Last October he was forced to retire in the second round of the Shanghai Masters 1000 event with a similar problem.

Del Potro has already pulled out of his next two scheduled ATP World Tour events, next week's Open13 in Marseilles and the Barclays Dubai Tennis Championships (beginning February 21) and is unlikely to line-up for his country in the Davis Cup World Group tie against Sweden in Stockholm March 5-7.

Optimistically he could be back in action at either of the year's first two Masters 1000 events, the BNP Paribas Open at Indian Wells (beginning March 11 ) or Miami's Sony Ericsson Open (March 24) but Del Potro's coach Franco Davin and fitness expert Martiniano Orazi are determined this nagging injury is finally addressed.

Del Potro's ongoing wrist problems mean an added headache for Argentina Davis Cup captain Modesto 'Tito' Vazquez ahead of the Swedish tie. Argentina's other top flight singles player David Nalbandian is still somewhat short of full competitive fitness, captain of the Davis team has big problems, because David Nalbandian is far from his best level after spending nine months out following hip surgery.

Nalbandian shelved plans to return for the Australian Open after suffering an abdominal muscle strain playing exhibition tennis late last year. "To have injured myself gave me a lot of problems," reported Nalbandian who is now expected to make his competitive comeback next week at the Copa Telemex in Buenos Aires.

"I had returned in December I was feeling fine and to have an injury again is not the best. It gave me a lot of problems because I was ready to play. I had to watch the Australian Open on television."

\*\*\*

## Roddick Likes the Rise of Isner, Querrey

America's top player, Andy Roddick, said it was a pinched nerve at the T1 vertebrae that was the source of his discomfort at the Australian Open, which has included numbness in the smaller two fingers on his right hand in his five set loss to Marin Cilic. Roddick brought his Austin based chiropractor along with him to the SAP Open in San Jose and says he feels OK now.

"The strength's there - it's just a matter of repetition. I'm probably going to have to work my way into this tournament and prepare a little bit more on the go than I would like, but that's what you do," he said.

At the age of 27, the seventh-ranked Roddick is still the US's top player, but for the first time, seems encouraged by the progress of some of the US' younger set, especially John Isner, who has risen to a career



high No. 25, as well as No. 31 Sam Querrey. He's also not counting out former top 5 player James Blake (now ranked No. 52) at making another run.

"Isner has been playing great and showed in the last couple of Slams that he's able to compete," Roddick said. "He's reached the second week of two Slams in a row. Sam started the year slow, but he worked himself into top 25 last year and is still young. I think James will get back his confidence. It was low last year, but he looked pretty good in Australia [Blake lost a titanic five-setter to Juan martin Del Potro] and if can maintain that level, he'll get his ranking back."

Despite holding only one Grand Slam title, Roddick has been ranked in the top 10 for the past eight years, an achievement few can claim. He's changed coaches a number of times in an attempt to get better and while he's struggled keeping healthy over the past six months, he's still right there in the mix.

"I'm proud of fact that I had to figure out ways of staying effective and I don't think I let my pride get in the way of doing that," he said. "The game is different and is a lot better than in 2002-2003. The conditions have slowed down and I've had to find a way to navigate through that. The game used to be a lot more shotmaking and unforced errors, and now the way people return and move better, the game is just more physical. Now it seems like the rallies are longer and everyone hits a consistently big ball rather than just trying to strike a winner here and there."

\*\*\*

### **Federer is Nominee as Sportsman of the Year**



It's becoming routine. Roger Federer is among those nominated for the 2010 Laureus World Sports Awards, the academy has announced. The Swiss world No.1 has already won the award four times, and he is nominated alongside WTA No.1 Serena Williams, herself a former two-time winner.

Last year's winner Bolt and four-times winner Federer have both been nominated again, along with others that include Barcelona's footballer Lionel Messi, long-distance runner Kenenisa Bekele, Tour de France winner Alberto Contador and Jamaican sprinter Shelly-Ann Fraser.

The awards recognize sporting achievements for 2009, and the winners will be named at a ceremony in Abu Dhabi on March 10.

\*\*\*

### **Tennis Players Have Politics on Their Schedules**



Retired Australian player John Alexander is heading into politics down under, and now Germany's Andrea Petkovic is making similar plans for when she retires from tennis. That might not be for a while as she is only 22, and ranked inside the top 50 and doing quite nicely in her present career as she demonstrated by upsetting Arazane Rezai at the Paris Indoors on Thursday. Although she wants to take up a political career, she doesn't want to be something as simple as a member of the German parliament.

"I want to engage myself politically," she said in Paris. "I want to start my own political party because I feel the youth in Germany is not really being heard - the two main parties in Germany are focusing on older people."

\*\*\*

### Srichaphan Preparing for a Movie Career

Although he has played a few doubles matches in the last few months, including an outing at the Thailand Open last September, it appears that the playing days of Paradorn Srichaphan are now well and truly over. Now he's becoming a Rambo-style movie star.

He is to appear in a movie called Bang Rajan II, playing Nai Mun, the silent but deadly good guy who protects his family and village from the invading Burmese army. Paradorn's character is content to live a peaceful Zen-like life in the village with his pregnant wife and family until danger crosses the line and then Paradorn swings into action to sort things out.

"When the director called and told me which movie that he was interested in me acting in, I was shocked," Paradorn told ATPWorldTour.com. "The first one (Bang Rajan) was a huge hit in Thailand and one of my favorite movies. He told me that I would have to be in great shape, but I had already been working in the gym a lot before he called, so it was no problem."

\*\*\*

### Gasquet is Now Working With a New Coach

Richard Gasquet is training this week in Buenos Aires with new coach Gabriel Markus whom he shares with Martin Vassallo Arguello. "I didn't want to work with any other French coach as Eric Deblacker. And I know that Argentines work very hard. Since we started last week, all is going extremely well" says Gasquet who is due to resume competition next week in the Argentine capital, before continuing to Acapulco. "At the moment Davis Cup is not on my mind. I need to regroup and feel better every day. I have played Davis Cup many times, and at the moment it is





not my main focus. This being said, if they ask me I'll play," said the former French #1 player.

\*\*\*

### World Team Tennis Holds Pro League Marquee Player Draft



Andy Roddick, Martina Hingis and Lindsay Davenport were selected as the top three overall picks in the 2010 World Team Tennis Pro League Marquee Player Draft.

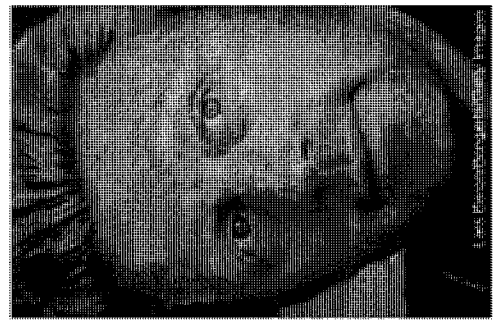
The Philadelphia Freedoms picked Roddick who will play one home match for the Freedoms.

The New York Buzz chose Hingis with the second pick. This is the third WTT season for Hingis who was named the 2005 WTT Finals MVP. The Albany, N.Y.-based Buzz team will have the services of Hingis for all 14 matches this season.

The St. Louis Aces selected 3-time Grand Slam champion Lindsay Davenport who will play a minimum of eight matches this summer, including four in St. Louis.

The WTT Pro League is a professional co-ed sports league featuring three generations of tennis stars playing in a team format in 10 U.S. markets. The 2010 WTT Pro League begins July 5, concluding with the WTT Championship Finals on July 25.

Serena Williams will return to the defending champion Washington Kastles where she will welcome a new teammate, her sister Venus. Although the Williams sisters aren't expected to play the same matches. Serena Williams will play one match at home in the nation's capital and road matches against the New York Sportimes, New York Buzz and Philadelphia Freedoms. Venus Williams will play one match at home in DC and road matches in Philadelphia and St. Louis.



\*\*\*

### Becker Becomes a Father

Former world no.1 Boris Becker has become a father again for the fourth time at the age of 42. The German's second wife Sharley gave birth to a baby boy in the couple's adopted home city of London and they have already decided on a name: Amadeus Benedict Edley Luis Becker.

"With this baby, my wife, Sharley, gave me the most wonderful gift," said Becker. "We are all overcome and rejoice in our life together with our son."

Becker already has two sons Noah and Elias from his first marriage to Barbara Feltus and a daughter Anna,

conceived in his notorious 'broom cupboard' escapade in London's Nobu restaurant.

He married the former Dutch model Sharlely Kerssenberg, nine years his junior who answers to the nickname Lilly, in St. Moritz, Switzerland just before last summer's Wimbledon Championships, just a few hundred yards from the new Becker home.

Becker's second marriage came seven months after he split from ex-fiancée Alessandra 'Sandy' Meyer-Wölden, the 26 year-old daughter of his late manager Axel Meyer-Wölden.

He and Lilly had previously been in a relationship together and after re-uniting, became engaged last March. Then Becker admitted he had 'lost his way' during his summer fling with Sandy and speaking of Miss Kerssenberg he said: 'We've been together for nearly four years and had our ups and downs.'

Miss Meyer-Wölden became a mother herself earlier this month. The model gave birth to a daughter Nayla Alessandra with German comedian boyfriend Oliver Pocher in Cologne and the Beckers sent their congratulations.

\*\*\*

## NOTES



**Toni Nadal** said he thinks his nephew would have had a better serve had he been right-handed. "I have long thought that **Rafael** was better playing left-handed, but with time, I am no longer certain about it" said Rafa's uncle. He adds that Rafa's knee injury is healing as expected, and that he ought to come back to competition in Indian Wells. "Davis Cup (the week before) remains a possibility, but we will need to seek the doctor's authorization." . . . **Kristina Mladenovic** who is France's most promising prospect has just signed with Lagardère Unlimited a worldwide contract. The company which already represents amongst other **Justine Henin**, **Andy Roddick** and **Jo-Wilfried Tsonga** will now have sole representation of the 2009 junior world champion

**Mladenovic**. . . "I'm much better after my ankle problems in Auckland and have been training on the dirt in preparation for my return to the tour", **Juan Carlos Ferrero** said in a blog entry last week. Ferrero, injured in his first match of the season, is the No. 1 seed this week in Costa do Sauipe. . . As a result of both knee and groin problems, **Paul-Henri Mathieu** has pulled out of all tournaments in the current South American clay-court swing and he will not return prior to next month's Indian Wells Masters. . . Thailand's **Danai Udomchoke** had shoulder over the weekend and is expected to miss six months. . . **Sabine Lisicki**, 2009 Family Circle Cup Champion, has officially entered the 2010 tournament to defend her title. . . **Tennis Channel** is supporting the NBC family of networks by airing the Haitian Relief music video "We are the World" on Saturday, February 13 @ 4:00 PM ET in between the two semi-finals of the ATP Rotterdam tourney.

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**We Hear---**

--that Andy Roddick reiterated that he's not playing Davis Cup this year. "I'm not retired but this year's its not going to happen." He added that he'd be interested in the captain's position once he retires. "I understand what Davis Cup is all about and I've earned stripes as player and leader when it comes to Davis Cup. It's something I would definitely entertain when I'm done playing."

--that Comcast, owner of The Golf Channel, is studying the possibility of launching a tennis channel.

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**EDITOR'S NOTE**

Daily Tennis News will not be published on Monday, February 15 in commemoration of Presidents Day. Our next issue will be Tuesday, February 16.

\*\*\*

**THIS WEEK**

MEN  
Costa do Sauipe  
Rotterdam  
San Jose

WOMEN  
Paris  
Pattaya City

\*\*\*

**NEXT WEEK**

MEN  
Buenos Aires  
Marseille  
Memphis

WOMEN  
Bogota  
Dubai  
Memphis

\*\*\*

**Bob Larson's Stock Report****Thursday Stock Prices**

Stock	Last	Change
Adidas	24.86	+.36
Amer Sports	5.55	0.00
Head	0.60	0.00
K-Swiss	8.98	+.26
Nike	62.95	+.31

Bob Larson Tennis Stock Index \$103.43

\* The index is based on the total value of one share of each stock we report daily.

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Cort Larson - Editor

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**CHOICE™** package  
150+ digital channels

PRINT

## NATIONALS

AGE	HD 265	Disney XD	HD 292	Home Shopping Network	240	SOAPnet	262
ABC Family	HD 311	E! Entertainment	236	Hope	368	Science Channel	HD 284
American Movie Classics (AMC)	254	ESPN	HD 206	INSP	364	ShopNBC	316
Animal Planet	HD 282	ESPN U	614	ION Television	305	Spike	HD 241
BBC America	264	ESPN2	HD 209	ION Television West	347	Syfy Channel	HD 244
BYU TV	374	ESPNEWS	HD 207	Independent Film Channel (IFC)	550	TBS	HD 247
Big Ten Network	HD 610	EWTN	370	Jewelry Television	313	TCT Network	377
Black Entertainment Television (BET)	HD 329	Enlace Christian Television	448	Jewish Life Television	366	TNT	HD 245
Bloomberg Television	353	FX	HD 248	Lifetime	252	TV Guide Network	237
Bravo	HD 273	Fine Living	232	Lifetime Movie Network	253	TV Land	304
CMT	HD 327	Fit TV	261	LinkTV	375	TV One	328
CNBC	HD 355	Food Network	HD 231	MHz WORLDVIEW	2183	TeenNick	303
CNBC World	357	Fox News Channel	HD 360	MLB Network	HD 213	The 101 Network HD	HD 101
CNN	HD 202	Fuse	339	MSNBC	356	The Learning Channel	HD 280
CSPAN 1	350	GEM NET (Global Expansion Media Network)	2068	MTV	HD 331	The Word Network	373
CSPAN 2	351	GOD TV	365	MTV2	333	Travel Channel	277
Cartoon Network (East)	HD 296	GSN, the network for games	309	NASA TV	283	Trinity Broadcasting Network (TBN)	372
Cartoon Network (West)	297	Galavision	404	NFL Network	HD 212	TruTV	246
Christian Television Network (CTN)	376	GemsTV	233	NRB	378	Turner Classic Movies (TCM)	256
Church Channel	371	Gospel Music Channel	338	Nick Jr.	301	USA Network	HD 242
Comedy Central	HD 249	HD Theater	HD 281	Nickelodeon (East)	HD 299	Univision	402
Current TV	358	HDNet	HD 306	Nickelodeon (West)	300	V-me	440
Daystar	369	HITN	438	ONCE México	447	VH1	HD 335
Discovery Channel	HD 278	Hallmark Channel	312	PBS	0	WE: Women's Entertainment	260
Discovery Health	279	Headline News	204	QVC	275	Weather Channel	HD 362
Disney Channel (East)	HD 290	History Channel	HD 269	RFD TV	345	World Harvest Television	367
Disney Channel (West)	291	Home & Garden Television (HGTV)	HD 229	ReelzChannel	238		

## SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: Classic Rock	833	SONICTAP: Love Songs	819	SONICTAP: Silky Soul	843
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Malt Shop Oldies	802	SONICTAP: Silver Screen	822
SONICTAP: 8-Tracks	840	SONICTAP: Fiesta Tropical	870	SONICTAP: Mariachi	876	SONICTAP: Singer - Songwriters	836
SONICTAP: 80's Hits	805	SONICTAP: Gospel Glory	827	SONICTAP: Metro Blend	853	SONICTAP: Smooth Jazz	851
SONICTAP: 90's Hits	806	SONICTAP: Great Standards	855	SONICTAP: Modern Country	814	SONICTAP: Soft Hits	849
SONICTAP: Adult Alternative	832	SONICTAP: Hit Country	809	SONICTAP: Musica De Las Americas	872	SONICTAP: SubTerranean	858
SONICTAP: Adult Contemporary	821	SONICTAP: Honky Tonk Tavern	811	SONICTAP: New Age	856	SONICTAP: Symphonic	864
SONICTAP: Alternative	834	SONICTAP: Hottest Hits	818	SONICTAP: Rat Pack	807	SONICTAP: The Boombox	846
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Urbano	875	SONICTAP: Reality Bites	838	SONICTAP: The Spirit	826
SONICTAP: Big Band/Swing	801	SONICTAP: Hype	847	SONICTAP: Red, Rock and Blues	810	SONICTAP: Today's Hits	816
SONICTAP: Bluegrass	812	SONICTAP: Ink'd	835	SONICTAP: Reggae	863	SONICTAP: Traditional Country	808
SONICTAP: Blues	854	SONICTAP: Latin Hits	871	SONICTAP: Retro Disco	845	SONICTAP: Y2k Hits	817
SONICTAP: Classic Jazz	850	SONICTAP: Latin Jazz	879	SONICTAP: Rock en Espanol	878	SONICTAP: Zen	857
SONICTAP: Vocal Blend		SONICTAP: Light Classical	866				
SONICTAP: Classic R&B	842						



**CHOICE XTRA™** package  
210+ digital channels

PRINT

## NATIONALS

A&E	265	ESPN	206	INSP	364	ReelzChannel	238
ABC Family	311	ESPN U	614	ION Television	305	SOAPnet	262
American Movie Classics (AMC)	254	ESPN2	209	ION Television West	347	Science Channel	284
Animal Planet	282	ESPNEWS	207	Independent Film Channel (IFC)	550	ShopNBC	316
BBC America	264	EWTN	370	Investigation Discovery (ID)	285	Sleuth	308
BYU TV	374	Enlace Christian Television	448	Jewelry Television	313	Speed Channel	607
Big Ten Network	610	FX	248	Jewish Life Television	366	Spike	241
Biography Channel	266	Fine Living	232	Lifetime	252	Style	235
Black Entertainment Television (BET)	329	Fit TV	261	Lifetime Movie Network	253	Syfy Channel	244
Bloomberg Television	353	Food Network	231	LinkTV	375	TBS	247
Boomerang	298	Fox Business Network	359	Logo	272	TCT Network	377
Bravo	273	Fox Movie Channel	258	MHz WORLDVIEW	2183	TNT	245
CMT	327	Fox News Channel	360	MLB Network	213	TV Guide Network	237
CNBC	355	Fox Reality	250	MSNBC	356	TV Land	304
CNBC World	357	Fuel	618	MTV	331	TV One	328
CNN	202	Fuse	339	MTV2	333	TeenNick	303
CSPAN 1	350	G4	310	Military Channel	287	Tennis Channel	217
CSPAN 2	351	GEM NET (Global Expansion Media Network)	2068	NASA TV	283	The 101 Network HD	101
Cartoon Network (East)	296	GOD TV	365	NBA TV	216	The Learning Channel	280
Cartoon Network (West)	297	GSN, the network for games	309	NFL Network	212	The Sportsman Channel	605
Centric	330	Galavision	404	NHL Network	215	The World Network	373
Chiller	257	GemsTV	233	NRB	378	Travel Channel	277
Christian Television Network (CTN)	376	Golf Channel	218	National Geographic Channel	276	Trinity Broadcasting Network (TBN)	372
Church Channel	371	Gospel Music Channel	338	Nick Jr.	301	TruTV	246
Comedy Central	249	Great American Country	326	Nickelodeon (East)	299	Turner Classic Movies (TCM)	256
Current TV	358	HD Theater	281	Nickelodeon (West)	300	USA Network	242
DIY Network	230	HDNet	306	Nicktoons Network	302	Univision	402
Daystar	369	HITN	438	ONCE México	447	V-me	440
Discovery Channel	278	Hallmark Channel	312	Ovation TV	274	VH1	335
Discovery Health	279	Headline News	204	Oxygen	251	VH1 Classic	337
Discovery Kids	294	History Channel	269	PBS	0	Versus	603
Disney Channel (East)	290	History International	271	PBS Kids Sprout	295	WE: Women's Entertainment	260
Disney Channel (West)	291	Home & Garden Television (HGTV)	229	Planet Green	286	WGN America	307
Disney XD	292	Home Shopping Network	240	QVC	275	Weather Channel	362
E! Entertainment	236	Hope	368	RFD TV	345	World Harvest Television	367

## PREMIUMS

TVG - The Interactive Horseracing Network 602

## SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: College Rock	831	SONICTAP: Jazz	852	SONICTAP: Salsa	874
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Latin Hits	871	SONICTAP: Showtunes	823
SONICTAP: 8-Tracks	840	SONICTAP: Familiar Favorites	880	SONICTAP: Latin Jazz	879	SONICTAP: Silky Soul	843
SONICTAP: 80's Hits	805	SONICTAP: Fiesta Tropical	870	SONICTAP: Light Classical	866	SONICTAP: Silver Screen	822
SONICTAP: 90's Hits	806	SONICTAP: Flashback/New Wave	839	SONICTAP: Love Songs	819	SONICTAP: Singer - Songwriters	836
SONICTAP: Adult Alternative	832	SONICTAP: Folk Rock	813	SONICTAP: Malt Shop Oldies	802	SONICTAP: Smooth Jazz	851
SONICTAP: Adult Contemporary	821	SONICTAP: Full Metal Jacket	830	SONICTAP: Mariachi	876	SONICTAP: Soft Hits	849
SONICTAP: Alternative	834	SONICTAP: Gospel Glory	827	SONICTAP: Metro Blend	853	SONICTAP: Spike	841
SONICTAP: Bailamos!	869	SONICTAP: Great Standards	855	SONICTAP: Modern Country	814	SONICTAP: SubTerranean	858
SONICTAP: Be-Tween	867	SONICTAP: Groove Lounge	824	SONICTAP: Modern Workout	860	SONICTAP: Symphonic	864
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Hair Guitar	829	SONICTAP: Musica De Las Americas	872	SONICTAP: The Boombox	846
SONICTAP: Big Band/Swing	801	SONICTAP: Hallelujah	828	SONICTAP: New Age	856	SONICTAP: The Playground	868





SATELLITE RADIO							
SONICTAP: Bluegrass	812	SONICTAP: Hit Country	809	SONICTAP: Old School	844	SONICTAP: The Spirit	826
SONICTAP: Blues	854	SONICTAP: Honky Tonk	811	Funk		SONICTAP: Today's Hits	816
SONICTAP: Classic Hits	837	Tavern		SONICTAP: PUMPI	861	SONICTAP: Traditional	808
Blend		SONICTAP: Hot Jamz	825	SONICTAP: Rat Pack	807	Country	
SONICTAP: Classic Jazz	850	SONICTAP: Hottest Hits	818	SONICTAP: Reality Bites	838	SONICTAP: Y2k Hits	817
Vocal Blend		SONICTAP: Hurbano	875	SONICTAP: Red, Rock and	810	SONICTAP: Zen	857
SONICTAP: Classic R&B	842	SONICTAP: Hype	847	Blues			
SONICTAP: Classic Rock	833	SONICTAP: Ink'd	835	SONICTAP: Reggae	863		
SONICTAP: Classic Rock	862	SONICTAP: Irish	883	SONICTAP: Retro Disco	845		
Wor kout				SONICTAP: Rock en	878		
SONICTAP: Coffeehouse	848			Espanol			
Rock							



# CHOICE ULTIMATE™

225+ digital channels

PRINT

## NATIONALS

A&E	265	ESPN	206	INSP	364	ReelzChannel	238
ABC Family	311	ESPN U	614	ION Television	305	SOAPnet	262
American Movie Classics (AMC)	254	ESPN2	209	ION Television West	347	Science Channel	284
Animal Planet	282	ESPNEWS	207	Independent Film Channel (IFC)	550	ShopNBC	316
BBC America	264	EWTN	370	Investigation Discovery (ID)	285	Sleuth	308
BYU TV	374	Enlace Christian Television	448	Jewelry Television	313	Speed Channel	607
Big Ten Network	610	FX	248	Jewish Life Television	366	Spike	241
Biography Channel	266	Fine Living	232	Lifetime	252	Style	235
Black Entertainment Television (BET)	329	Fit TV	261	Lifetime Movie Network	253	Syfy Channel	244
Bloomberg Television	353	Food Network	231	LinkTV	375	TBS	247
Boomerang	298	Fox Business Network	359	Logo	272	TCT Network	377
Bravo	273	Fox Movie Channel	258	MHz WORLDVIEW	2183	TNT	245
CMT	327	Fox News Channel	360	MLB Network	213	TV Guide Network	237
CNBC	355	Fox Reality	250	MSNBC	356	TV Land	304
CNBC World	357	Fuel	618	MTV	331	TV One	328
CNN	202	Fuse	339	MTV2	333	TeenNick	303
CSPAN 1	350	G4	310	Military Channel	287	Tennis Channel	217
CSPAN 2	351	GEM NET (Global Expansion Media Network)	2068	NASA TV	283	The 101 Network HD	101
Cartoon Network (East)	296	GOD TV	365	NBA TV	216	The Learning Channel	280
Cartoon Network (West)	297	GSN, the network for games	309	NFL Network	212	The Sportsman Channel	605
Centric	330	Galavision	404	NHL Network	215	The World Network	373
Chiller	257	GemsTV	233	NRB	378	Travel Channel	277
Christian Television Network (CTN)	376	Golf Channel	218	National Geographic Channel	276	Trinity Broadcasting Network (TBN)	372
Church Channel	371	Gospel Music Channel	338	Nick Jr.	301	TruTV	246
Comedy Central	249	Great American Country	326	Nickelodeon (East)	299	Turner Classic Movies (TCM)	256
Current TV	358	HD Theater	281	Nickelodeon (West)	300	USA Network	242
DIY Network	230	HDNet	306	Nicktoons Network	302	Univision	402
Daystar	369	HITN	438	ONCE México	447	V-me	440
Discovery Channel	278	Hallmark Channel	312	Ovation TV	274	VH1	335
Discovery Health	279	Headline News	204	Oxygen	251	VH1 Classic	337
Discovery Kids	294	History Channel	269	PBS	0	Versus	603
Disney Channel (East)	290	History International	271	PBS Kids Sprout	295	WE: Women's Entertainment	260
Disney Channel (West)	291	Home & Garden Television (HGTV)	229	Planet Green	286	WGN America	307
Disney XD	292	Home Shopping Network	240	QVC	275	Weather Channel	362
E! Entertainment	236	Hope	368	RFD TV	345	World Harvest Television	367

## PREMIUMS

CBS College Sports	613	Encore Drama	531	Encore Westerns	529	The Movies Channel (East)	544
Encore (East)	526	Encore Love	528	Sundance Channel	549		
Encore (West)	527	Encore Mystery	530	TVG - The Interactive Horseracing Network	602		
Encore Action	532	Encore Wam	533	The Movie Channel (West)	545		

## SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: College Rock	831	SONICTAP: Irish	883	SONICTAP: Retro Disco	845
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Italian Bistro Blend	881	SONICTAP: Rock en Espanol	878
SONICTAP: 8-Tracks	840	SONICTAP: Familiar Favorites	880	SONICTAP: Jazz	852	SONICTAP: Salsa	874
SONICTAP: 80's Hits	805	SONICTAP: Fiesta Tropical	870	SONICTAP: Latin Hits	871	SONICTAP: Showtunes	823
SONICTAP: 90's Hits	806	SONICTAP: Flashback/New Wave	839	SONICTAP: Latin Jazz	879	SONICTAP: Silky Soul	843
SONICTAP: Adult Alternative	832	SONICTAP: Folk Rock	813	SONICTAP: Light Classical	866	SONICTAP: Silver Screen	822
SONICTAP: Adult Contemporary	821	SONICTAP: Full Metal Jacket	830	SONICTAP: Love Songs	819	SONICTAP: Singer-Songwriters	836
SONICTAP: Alternative	834	SONICTAP: Gospel Glory	827	SONICTAP: Malt Shop Oldies	802	SONICTAP: Smooth Jazz	851
SONICTAP: Bailamos!	869	SONICTAP: Great Standards	855	SONICTAP: Mariachi	876	SONICTAP: Soft Hits	849



**SATELLITE RADIO**

SONICTAP: Be-Tween	867	SONICTAP: Groove Lounge	824	SONICTAP: Metro Blend	853	SONICTAP: Spike	841
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Hair Guitar	829	SONICTAP: Modern Country	814	SONICTAP: SubTerraanean	858
SONICTAP: Big Band/Swing	801	SONICTAP: Hallelujah	828	SONICTAP: Modern Workout	860	SONICTAP: Symphonic	864
SONICTAP: Bluegrass	812	SONICTAP: Hit Country	809	SONICTAP: Musica De Las Americas	872	SONICTAP: The Boombox	846
SONICTAP: Blues	854	SONICTAP: Holidays & Happenings	815	SONICTAP: New Age	856	SONICTAP: The Playground	868
SONICTAP: Classic Hits Blend	837	SONICTAP: Honky Tonk Tavern	811	SONICTAP: Old School Funk	844	SONICTAP: The Spirit	826
SONICTAP: Classic Jazz Vocal Blend	850	SONICTAP: Hot Jamz	825	SONICTAP: PUMP!	861	SONICTAP: Today's Hits	816
SONICTAP: Classic R&B	842	SONICTAP: Hottest Hits	818	SONICTAP: Rat Pack	807	SONICTAP: Traditional Country	808
SONICTAP: Classic Rock	833	SONICTAP: Hurbano	875	SONICTAP: Reality Bites	838	SONICTAP: Tranquility	884
SONICTAP: Classic Rock Workout	862	SONICTAP: Hype	847	SONICTAP: Red, Rock and Blues	810	SONICTAP: Y2k Hits	817
SONICTAP: Coffeehouse Rock	848	SONICTAP: Ink'd	835	SONICTAP: Reggae	863	SONICTAP: Zen	857



**PREMIER** package  
285+ digital channels

PRINT

## NATIONALS

A&E	HD 265	ESPN	HD 206	INSP	364	ReelzChannel	238
ABC Family	HD 311	ESPN U	614	ION Television	305	SOAPnet	262
American Movie Classics (AMC)	254	ESPN2	HD 209	ION Television West	347	Science Channel	HD 284
Animal Planet	HD 282	ESPNNEWS	HD 207	Independent Film Channel (IFC)	550	ShopNBC	316
BBC America	264	EWTN	370	Investigation Discovery (ID)	285	Sleuth	308
BYU TV	374	Enlace Christian Television	448	Jewelry Television	313	Speed Channel	HD 607
Big Ten Network	HD 610	FX	HD 248	Jewish Life Television	366	Spike	HD 241
Biography Channel	HD 266	Fine Living	232	Lifetime	252	Style	235
Black Entertainment Television (BET)	HD 329	Fit TV	261	Lifetime Movie Network	253	Syfy Channel	HD 244
Bloomberg Television	353	Food Network	HD 231	LinkTV	375	TBS	HD 247
Boomerang	298	Fox Business Network	HD 359	Logo	272	TCT Network	377
Bravo	HD 273	Fox Movie Channel	258	MHz WORLDVIEW	2183	TNT	HD 245
CMT	HD 327	Fox News Channel	HD 360	MLB Network	HD 213	TV Guide Network	237
CNBC	HD 355	Fox Reality	250	MSNBC	356	TV Land	304
CNBC World	357	Fuel	HD 618	MTV	HD 331	TV One	328
CNN	HD 202	Fuse	339	MTV2	333	TeenNick	303
CSPAN 1	350	G4	310	Military Channel	287	Tennis Channel	HD 217
CSPAN 2	351	GEM NET (Global Expansion Media Network)	2068	NASA TV	283	The 101 Network HD	HD 101
Cartoon Network (East)	HD 296	GOD TV	365	NBA TV	HD 216	The Learning Channel	HD 280
Cartoon Network (West)	297	GSN, the network for games	309	NFL Network	HD 212	The Sportsman Channel	605
Centric	330	Galavision	404	NHL Network	HD 215	The World Network	373
Chiller	257	GemTV	233	NRB	378	Travel Channel	277
Christian Television Network (CTN)	376	Golf Channel	218	National Geographic Channel	HD 276	Trinity Broadcasting Network (TBN)	372
Church Channel	371	Gospel Music Channel	338	Nick Jr.	301	TruTV	246
Comedy Central	HD 249	Great American Country	326	Nickelodeon (East)	HD 299	Turner Classic Movies (TCM)	256
Current TV	358	HD Theater	HD 281	Nickelodeon (West)	300	USA Network	HD 242
DIY Network	230	HDNet	HD 306	Nicktoons Network	302	Univision	402
Daystar	369	HTN	438	ONCE México	447	V-me	440
Discovery Channel	HD 278	Hallmark Channel	312	Ovation TV	274	VH1	HD 335
Discovery Health	279	Headline News	204	Oxygen	251	VH1 Classic	337
Discovery Kids	294	History Channel	HD 269	PBS	0	Versus	HD 603
Disney Channel (East)	HD 290	History International	271	PBS Kids Sprout	295	WE: Women's Entertainment	260
Disney Channel (West)	291	Home & Garden Television (HGTV)	HD 229	Planet Green	HD 286	WGN America	307
Disney XD	HD 292	Home Shopping Network	240	QVC	275	Weather Channel	HD 362
E! Entertainment	236	Hope	368	RFD TV	345	World Harvest Television	367

## PREMIUMS

CBS College Sports	HD 613	Encore Westerns	529	HBO Latino	511	Starz Comedy HD	HD 519
Cinemax East	HD 512	Flix	547	HBO Signature	503	Starz Edge	HD 522
Cinemax West	HD 514	Fox Soccer Channel	619	MoreMAX	513	Starz InBlack	523
ESPN Classic Sports	208	Fox Sports en Espanol	624	Outdoor Channel	606	Starz Kids & Family HD	HD 518
Encore (East)	526	GoTV	620	SHOWTIME	HD 537	Sundance Channel	549
Encore (West)	527	HBO (East)	HD 501	SHOWTIME (West)	HD 540	TVG - The Interactive	602
Encore Action	532	HBO (West)	HD 504	SHOWTIME 2	HD 538	Horseshoeing Network	
Encore Drama	531	HBO 2 (East)	502	SHOWTIME Extreme	HD 542	The Movie Channel (West)	545
Encore Love	528	HBO 2 (West)	505	SHOWTIME Showcase	HD 539	The Movies Channel (East)	HD 544
Encore Mystery	530	HBO Family (East)	507	Starz (East)	HD 520		
Encore Wam	533	HBO Family (West)	508	Starz (West)	HD 521		

## SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: College Rock	831	SONICTAP: Italian Bistro Blend	881	SONICTAP: Regional Mexican	873
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Italian Contemporary	882	SONICTAP: Retro Disco	845

SATELLITE RADIO			
SONICTAP: 8-Tracks	840	SONICTAP: Familiar Favorites	880
SONICTAP: 80's Hits	805	SONICTAP: Fiesta Tropical	870
SONICTAP: 90's Hits	806	SONICTAP: Flashback/New Wave	839
SONICTAP: Adult Alternative	832	SONICTAP: Folk Rock	813
SONICTAP: Adult Contemporary	821	SONICTAP: Full Metal Jacket	830
SONICTAP: Alternative	834	SONICTAP: Gospel Glory	827
SONICTAP: Bailamos!	869	SONICTAP: Great Standards	855
SONICTAP: Be-Tween	867	SONICTAP: Groove Lounge	824
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Hair Guitar	829
SONICTAP: Big Band/Swing	801	SONICTAP: Hallelujah	828
SONICTAP: Bluegrass	812	SONICTAP: Hit Country	809
SONICTAP: Blues	854	SONICTAP: Holidays & Happenings	815
SONICTAP: Carnaval Brasileiro	877	SONICTAP: Honky Tonk Tavern	811
SONICTAP: Classic Hits Blend	837	SONICTAP: Hot Jamz	825
SONICTAP: Classic Jazz Vocal Blend	850	SONICTAP: Hottest Hits	818
SONICTAP: Classic R&B	842	SONICTAP: Hurbano	875
SONICTAP: Classic Rock	833	SONICTAP: Hype	847
SONICTAP: Classic Rock Workout	862	SONICTAP: Ink'd	835
SONICTAP: Coffeehouse Rock	848	SONICTAP: Irish	883
		SONICTAP: Jazz	852
		SONICTAP: Latin Hits	871
		SONICTAP: Latin Jazz	879
		SONICTAP: Light Classical	866
		SONICTAP: Love Songs	819
		SONICTAP: Malt Shop Oldies	802
		SONICTAP: Mariachi	876
		SONICTAP: Metro Blend	853
		SONICTAP: Modern Country	814
		SONICTAP: Modern Workout	860
		SONICTAP: Musica De Las Americas	872
		SONICTAP: New Age	856
		SONICTAP: Old School Funk	844
		SONICTAP: PUMPI	861
		SONICTAP: Piano	865
		SONICTAP: Rat Pack	807
		SONICTAP: Reality Bites	838
		SONICTAP: Red, Rock and Blues	810
		SONICTAP: Reggae	863
		SONICTAP: Rock en Espanol	878
		SONICTAP: Salsa	874
		SONICTAP: Showtunes	823
		SONICTAP: Silky Soul	843
		SONICTAP: Silver Screen	822
		SONICTAP: Singer-Songwriters	836
		SONICTAP: Smooth Jazz	851
		SONICTAP: Soft Hits	849
		SONICTAP: Spike	841
		SONICTAP: SubTterranean	858
		SONICTAP: Symphonic	864
		SONICTAP: The Boombox	846
		SONICTAP: The Playground	868
		SONICTAP: The Spirit	826
		SONICTAP: Today's Hits	816
		SONICTAP: Traditional Country	808
		SONICTAP: Tranquility	884
		SONICTAP: Y2k Hits	817
		SONICTAP: Zen	857

# HD CHANNEL DIRECTORY

NETWORK	CHANNEL	PACKAGE	NETWORK	CHANNEL	PACKAGE
Indicates HD channels					
360°	9710	• • • •	Elia Living	113	•
ASE	118	• • • •	Florida Education Channel 2	9418	• • • •
<b>A&amp;E HD</b>	<b>118/9419</b>	<b>• • • •</b>	Food Network	110	• • • •
A&E Family	180	• • • •	<b>Food Network HD</b>	<b>110/9452</b>	<b>• • • •</b>
<b>A&amp;E Family HD</b>	<b>180/9434</b>	<b>• • • •</b>	Fox Movie Channel	133	•
Amie Vision Hispanic Network	9413	• • • •	Fox News Channel	205	• • • •
AMC	130	• • • •	Fox Reality	190	•
Angel One	262	• • • •	Fox Soccer	149	•
Angel Two	268	• • • •	Free Speech TV	9415	• • • •
Animal Planet	184	• • • •	Fuse	158	• • • •
<b>Animal Planet HD</b>	<b>184/9489</b>	<b>• • • •</b>	FX 4	136	• • • •
BBC America	135	• • • •	FX	181	• • • •
BET	124	• • • •	Galaxy On	273	• • • •
Big Ten Network <sup>2</sup>	439	• • • •	Gems and Jewelry	229	• • • •
<b>Big Ten Network<sup>2</sup> HD</b>	<b>439</b>	<b>• • • •</b>	Game TV	226	• • • •
Biography Channel, The	119	• • • •	Sci Channel, The	401	•
<b>Biography Channel, The HD</b>	<b>119/9493</b>	<b>• • • •</b>	<b>Golf Channel/Versus HD</b>	<b>9468</b>	<b>• • • •</b>
Bloomberg Television	203	•	GolfTV	407	•
Boomerang	175	• • • •	Gold Samaritan Network <sup>2</sup>	9416	• • • •
Bravo	129	• • • •	Great American Country (GAC)	167	•
<b>Bravo HD</b>	<b>129/9492</b>	<b>• • • •</b>	GSN	116	• • • •
BYUtv	9403	• • • •	Hallmark Channel	185	• • • •
Cartoon Network	176	• • • •	Hallmark Movie Channel	187	•
<b>Cartoon Network HD</b>	<b>176/9463</b>	<b>• • • •</b>	<b>Hallmark Movie Channel HD</b>	<b>187/9444</b>	<b>• • • •</b>
CBS College Sports Network	152	• • • •	HD Theater	9431	• • • •
CCN	265	• • • •	HDNet	9422	• • • •
CCTV-E&F <sup>1</sup>	884	• • • •	<b>HDNet Movies</b>	<b>9423</b>	<b>• • • •</b>
China TV	189	• • • •	Health & Human Services <sup>2</sup>	9402	• • • •
Classic Arts Showcase <sup>2</sup>	9406	• • • •	HGTV	112	• • • •
CMT	166	• • • •	<b>HGTV HD</b>	<b>112/9461</b>	<b>• • • •</b>
CNBC	208	• • • •	History	112/120	• • • •
<b>CNBC HD</b>	<b>208/9439</b>	<b>• • • •</b>	<b>History HD</b>	<b>120/9491</b>	<b>• • • •</b>
CNBC World	207	•	History International	121	•
CNN	200	• • • •	HITN	843	• • • •
<b>CNN HD</b>	<b>200/9436</b>	<b>• • • •</b>	Horse Racing TV	404	• • • •
CNN Headline News	202	• • • •	HSN	84/222	• • • •
Collectibles & Treasures	216	• • • •	Independent Film Channel (IFC)	131	• • • •
CoLours TV	9407	• • • •	Investigation Discovery	192	• • • •
Comedy Central	107	• • • •	ION	181	• • • •
C-SPAN	210	• • • •	Jewelry Channel, The	218	• • • •
C-SPAN2	212	• • • •	Jewelry Television	227	• • • •
Current TV	196	• • • •	KBS World <sup>1</sup>	9060	• • • •
Discovery	182	• • • •	KTV	264/9354	• • • •
<b>Discovery Channel HD</b>	<b>182/9457</b>	<b>• • • •</b>	Lifetime	108	• • • •
Discovery Health	189	• • • •	Lifetime Movie Network	109	•
Discovery Home	184	• • • •	LinkTV	9410	• • • •
Discovery Kids	179	• • • •	Live Shopping	221	• • • •
DISN Shopping	217	• • • •	MGM HD	385	• • • •
Disney Channel (East)	172	• • • •	NBC	9469	• • • •
<b>Disney Channel HD (East)</b>	<b>172/9439</b>	<b>• • • •</b>	Military Channel	195	• • • •
Disney Channel (West)	173	• • • •	MSNBC	209	• • • •
DIY	111	• • • •	MTV	160	• • • •
Documentary Channel	187	• • • •	MTV2	161	• • • •
E! Entertainment Television	114	• • • •	mun2	638	• • • •
Editorial TV <sup>2</sup>	9417	• • • •	NASA	213	• • • •
Encore (West)	341	• • • •	National Geographic Channel	186	• • • •
Encore Action	343	• • • •	<b>National Geographic Channel HD</b>	<b>186/9429</b>	<b>• • • •</b>
Encore Drama	345	• • • •	NBA TV HD	402	• • • •
Encore Love	346	• • • •	NFL Network	154	• • • •
Encore Mystery	344	• • • •	<b>NFL Network HD</b>	<b>154/9426</b>	<b>• • • •</b>
Encore Wam	347	• • • •	NHL Network HD	403	• • • •
Encore Westerns	342	• • • •	Nickelodeon Games & Sports	177	• • • •
ESPN	140	• • • •	Nickelodeon Nick at Nite (East)	170	• • • •
<b>ESPN HD</b>	<b>140/9424</b>	<b>• • • •</b>	Nickelodeon Nick at Nite (West)	171	• • • •
ESPN2	144	• • • •	Nicktoons Network	178	• • • •
<b>ESPN2 HD</b>	<b>144/9425</b>	<b>• • • •</b>	NOGGIN The N	169	• • • •
ESPN Classic	143	• • • •	Outdoor Channel	153	• • • •
ESPNNEWS	142	• • • •	Ovation	157	• • • •
<b>ESPNNEWS HD</b>	<b>142/9434</b>	<b>• • • •</b>	Oxygen	127	• • • •
ESPN2	143	• • • •	Persight Channel, The <sup>2</sup>	9405	• • • •
E!TVN 4	261	• • • •	QVC	137	• • • •
			Real Channel	299	• • • •

## ENTERTAINMENT PACKAGES

• Standard HD Package • America's Top 100 with dishHD • America's Top 200 with dishHD • America's Top 250 with dishHD

HD programming requires HD television and receiver (HD or VCR receiver, depending on HD channel). All programming subject to change without notice. America's Top 100, 200, and 250 include all their premium movie packages and NBA TV channel 402.

4 - Free Spanish audio feed. Audio description on request. 1 - Available at no cost to all DISH Network customers. CCTV channels require single-tick satellite configuration. RSC World requires DISH HD 4 or DISH HD 333+ receiver and subscription to all our programming. Additional fees may apply for moving DISH Network service to upgrade their dish antenna. 2 - May require purchase of additional dish antenna in view. 3 - Available to CA, AZ, NV, UT, NM, WY, CO, MT, WY, ND, SD, NE, KS, OK, TX, and NM. 4 - Programming and content.

# HD CHANNEL DIRECTORY continued

NETWORK	CHANNEL	PACKAGE	NETWORK	CHANNEL	PACKAGE
Recess Channel	9400	• • •	TLC HD	183/9488	• • • • •
RFD-TV	231/9409	•	TNT	138	• • • •
Sci Fi Channel	122	• • •	TNT HD	138/9420	• • • • •
Sci Fi HD	122/9432	• • • • •	Toon Disney	174	• • •
Science Channel, The	193	• • •	Toon Disney HD	174/9448	• • • •
Science Channel HD, The	193/9499	• • •	Travel Channel	218	• • •
Shop	224	• • •	Travel Channel HD	218/9437	• • • • •
Shop Latino	220/883	• • •	TV	204	• • •
ShopNBC	228	• • •	Turner Classic Movies	162	• • •
SI TV	159	• • •	TV Guide Network	117	• • • •
Slim	198	• • •	TV Land	106	• • •
SOAPnet	188	• • •	TVG	405	• • •
Smithsonian HD	374	• • • • •	Universal HD	9427	• • • • •
SPEED	150	• • •	University House	9411	• • •
Spike-TV	168	• • •	University of California TV	9412	• • •
SportSouth	437	• • •	University of Washington TV	9404	• • •
SPI	104	• • •	Univision (East)	827	• • •
SPN	85/223	• • •	Univision (West)	828	• • •
Starfish Network	9408	• • •	USA Network	105	• • •
Style	115	• • •	USA HD	105/9431	• • • • •
TEN	280	• • • •	V-ME	9414	• • • •
TBS	139	• • •	Veris	9575	• • •
TBS in HD	139/9499	• • • • •	Veritas	151	• • •
TeleFuture (East)	271	• • •	VH1	162	• • •
TeleFuture (West)	272	• • •	VH1 Classic	163	• • •
Tennis Channel, The	400	• • •	W.E. Woman's Entertainment	128	• • •
Tennis Channel, The HD	400/9442	• • • • •	Weather Channel, The	214	• • • •
The Movie Channel (West)	329	• • •	Weather Channel, The HD	214/9438	• • • • •
The Movie Channel xtra (West)	330	• • •	WGN	239	• • •
TLC	183	• • •	World Fishing Network HD	394	• • • • •

## ADDITIONAL CHANNELS

BabyFirstTV	126
DishCD Music Channels	923-961
DISH Network Pay-Per-View HD	535-537, 539-540
DISH Network Pay-Per-View	455-539
Local Channels	8000-9318

NBA TV	402
Preview Showroom	280-298
Regional Sports Networks	409-438
Sentia Sports	406
SIRIUS Music Channels	8001-8118

## ENTERTAINMENT PACKAGES

• DishHD Ultimate • America's Top 100 with DishHD • America's Top 300 with DishHD • America's Top 350 with DishHD  
 All programming subject to change without notice. America's "Everything" Pak with DishHD includes America's Top 250 with DishHD plus all four premium movie packages and NBA TV Channel 402. 4 - Available in: Georgia, Mississippi, S. Carolina, Tennessee and portions of N. Carolina. 5 - TeleFuture East is available to subscribers in the Eastern and Central time zones. TeleFuture West is available to subscribers in the Mountain and Pacific time zones. 6 - Available in America's "Everything" Pak with DishHD, which includes America's Top 100 with DishHD plus all four premium movie packages.

## MOVIE PACKAGES

NETWORK	CHANNEL	NETWORK	CHANNEL
<b>HBO</b>		<b>CINEMAX</b>	
HBO (East)	300	Cinemax (East)	310
HBO2 (East)	301	Cinemax (West)	311
HBO Signature	302	MoreMAX	312
HBO (West)	303	ActionMAX	313
HBO2 (West)	304	5StarMAX	314
HBO Family	305	Cinemax HD (East)**	310
HBO Comedy	307	Cinemax HD (West)**	311
HBO Latino	309	5StarMAX HD**	314
HBO HD**	300/9496		
<b>STARZ</b>		<b>SHOWTIME</b>	
Encore (East)	340	Showtime (East)	318
Starz (East)	350	Showtime (West)	319
Starz (West)	351	Showtime ToGo	320
Starz Edge	352	Showtime Showcase	321
Starz Cinema (East)	353	Showtime Extreme	322
Starz Comedy	354	Showtime Beyond	323
Starz Black	355	The Movie Channel (East)	327
Starz Kids & Family	356	The Movie Channel xtra (East)	328
Starz HDTV**	350/9435	Sundance Channel	332
		FLIX	333
		Showtime HD**	318/9460

\* Movie channels available with subscription to movie packages or America's "Everything" Pak with DishHD.

\*\* 1995 Special audio feed available. Audio depends on input. HD programming requires 1.5 Mbps and requires 200 or 400 Mbps download bandwidth.

## INTERACTIVE TELEVISION

### DishHOME INTERACTIVE TV ON CHANNEL 100

WITH DishHOME, YOU CAN USE YOUR TV IN WAYS YOU NEVER THOUGHT POSSIBLE. IT'S FREE, IT'S EASY AND ALL YOU NEED IS YOUR REMOTE CONTROL!

- ▶ ADD PROGRAMMING
- ▶ PAY YOUR BILL
- ▶ CHECK LOCAL & NATIONAL WEATHER
- ▶ GET BREAKING NEWS
- ▶ VIEW YOUR STATEMENT
- ▶ TRACK SPORTS SCORES
- ▶ PLAY GAMES
- ▶ AND MUCH MORE!

Not available on all video models. Phone line connection not required. May not be available if you are billed by a third party.







# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

### EFFECTIVE JANUARY 2010

The following channel lineup includes channel listings for the Prime HD, Extreme HD & Ultimate HD packages.

## FiOS TV LOCAL

Included with all FiOS TV packages. Additional subscriptions may be added.<sup>1</sup>

### FiOS TV LOCAL BROADCAST

ABC — WJLA-TV 7 <sup>V</sup>	7
CBS — WUSA-TV 9 <sup>V</sup>	9
CW — WDCW-TV 50	3
FiOS1 <sup>2</sup>	1
FOX — WTTG-TV 5	5
ION-TV 66	13
Local Programming	28
Local Programming	29
My Network TV — WDCA-TV 20	6
NBC — WHAG	15
NBC — WRC-TV 4	4
News Channel 8	8
PBS — WETA-TV 26	26
PBS — WHUT-TV 32	32
PBS — WMPT-TV 22	22
Telefutura	17
Telemundo — WZDC-TV	20
Univision — WFDC-TV 14	14
Weatherscan Local	49
WGN America	29

WETA Create	474
WETA Kids	472
WETA World	473
WHUT DT	470
WJLA Weather Now	462
WJLA-7.3 RTN	467
WMPT Select	480
WRC Universal Sports	464
WUSA Weather Radar	461

### LOCAL PUBLIC/EDUCATION/GOVERNMENT

#### ARLINGTON COUNTY

AETV, Arlington Ed. TV	41
APS-ARTS, NoVA and GMU	43
APS-NASA	42
Arlington County Gov. (AVN)	39
Arlington County Gov. (AVN-2)	40
Arlington Independent Media	38

#### BERWYN HEIGHTS

Berwyn Heights Gov. Access	12
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#### BLADENSBURG

University of Maryland (UMUC)	18
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#### BOWIE

Bowie Gov. 1	10
Bowie Gov. 2	11
Bowie Public Access	12

#### BRAMBLETON

Brambleton Community Access	489
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#### BRENTWOOD

Brentwood Gov. Access	36
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#### CAPITOL HEIGHTS

Capitol Heights Gov.	16
Capitol Heights Gov. 2	28

#### CHEVERLY

Cheverly Gov. Access	35
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#### CITY OF FAIRFAX, FAIRFAX COUNTY, FALLS CHURCH, HERNDON & VIENNA

City of Fairfax Gov.	12
Community Classroom 25-FCPS	25
Fairfax County Gov.	16
Falls Church Community TV <sup>3</sup>	35
FPA Community Programming	10
FPA International Programming	30
George Mason University	18
Herndon Community Channel <sup>4</sup>	42
NoVA Community College	19
Red Apple 21-FCPS	21
WEBR Radio/Community	37

### FiOS TV LOCAL BROADCAST HD

ABC — WJLA HD <sup>V</sup>	507
CBS — WUSA HD <sup>V</sup>	509
CW — WDCW HD	503
FOX — WTTG HD	505
MPT-HD	522
My Network TV — WDCA HD	506
NBC — WHAG HD	515
NBC — WRC HD	504
PBS — WETA HD	526

### LOCAL PLUS

CW — WDCW-DT (MyNet)	463
ION Life	492
MHz1 Worldview	451
MHz2 SABC	452
MHz3 France 24	453
MHz4 Nigerian Television Authority	454
MHz5 RT	455
MHz6 NHK	456
MHz7 BVN	457
MHz8 Metro Chinese Network	458
MPT V-ME	481
NBC Plus (WRC)	460
Qubo	491
The Worship Network	494
WETA 26	471

## WELCOME TO FiOS® CHANNEL LINEUP

### GOT QUESTIONS? GET ANSWERS

Whenever you have questions or need help with your FiOS TV service, we make it easy to get answers any way you want. Here's how:

- On your TV — for Help videos, press **Menu** on the remote or check out **Channel 131** to see what's new
- Online — visit us online at **verizon.com/fiosvcentral**
- In the palm of your hand — look through your **FiOS User Guide** for step-by-step instructions

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# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

EFFECTIVE JANUARY 2010

### FiOS TV LOCAL *(continued)*

<b>CITY OF MOUNT RAINIER</b> Mount Rainier Gov. Access	21	<b>GLENARDEN</b> Glenarden Gov. Access	16	Montgomery County Public Schools 2	36	<b>QUANTICO</b> Quantico Information 1	487
<b>COLLEGE PARK</b> College Park Gov. Access	25	<b>GREENBELT</b> Greenbelt Gov. Access	21	Montgomery Municipal Cable (MMC)	16	Quantico Information 2	488
<b>COTTAGE CITY</b> Cottage City Gov. Access	28	Greenbelt Public Access	19	Takoma Park City TV	28	<b>RIVERDALE PARK</b> Riverdale Park Gov. Access	10
<b>DISTRICT HEIGHTS</b> District Heights Gov. Access	25	<b>HYATTSVILLE</b> Hyattsville Gov. Access	12	The Rockville Channel	11	<b>SPOTSYLVANIA COUNTY</b> Spotsylvania Cnty. Ed. Access	36
<b>DISTRICT OF COLUMBIA</b> District Public Schools	12	<b>LANDOVER HILLS</b> Landover Hills Gov. Access	28	University of Maryland (UMTV)	40	Spotsylvania Cnty. Gov. Access	35
University of District of Columbia	19	<b>LAUREL</b> Laurel Gov. Access	12	University of Maryland (UMUC)	18	<b>STAFFORD COUNTY</b> Stafford Cnty. Ed.	38
Washington DC Council 1	18	<b>LEESBURG &amp; LOUDOUN COUNTY</b> George Mason University	18	<b>NEW CARROLLTON</b> New Carrollton Gov. Access	30	Stafford Cnty. Gov.	39
Washington DC Council 2	25	Leesburg Gov.	35	<b>PRINCE GEORGE'S COUNTY</b> Bowie State University	43	<b>TOWN OF BLADENSBURG</b> Bladensburg Gov. Access	19
Washington DC Mayor 1	16	Loudoun County Gov.	40	Prince George's Community College	44	<b>TOWN OF UNIVERSITY PARK</b> University Park Gov. Access	16
Washington DC Mayor 2	21	Loudoun County Public Access	41	Prince George's Community Television	42	<b>UPPER MARLBORO</b> Upper Marlboro Gov. Access	19
Washington DC Public Access	28	Loudoun County Public Schools	43	Prince George's County Gov. and Public Affairs	41		
Washington DCTV 1	10	NoVA Community College	19	Prince George's County Public Safety —			
Washington DCTV 2	11	<b>MANASSAS</b> Manassas City Education	38	Emergency Preparedness	39		
<b>EDMONSTON</b> Edmonston Gov. Access	30	Manassas City Gov. Access	39	Prince George's County Public Schools	38		
<b>FAIRMOUNT HEIGHTS</b> Fairmount Heights Gov. Access	11	Manassas Park City Gov. Access	43	Prince George's County Public Schools #2	37		
<b>FORT BELVOIR</b> Fort Belvoir Information	489	<b>MONTGOMERY COUNTY</b> Access Montgomery TV 19	19	University of Maryland (UMTV)	40		
<b>FREDERICKSBURG</b> Fredericksburg Ed. Access 1	41	Access Montgomery TV 21	21	University of Maryland (UMUC)	18		
Fredericksburg Ed. Access 2	44	County Cable		<b>PRINCE WILLIAM COUNTY</b> George Mason University	18		
Fredericksburg Gov. Access	42	Montgomery (CCM)	30	NoVA Community College	19		
Fredericksburg Public Access	43	Montgomery College (MCTV)	10	Prince William County Gov.	37		
		Montgomery County Public Schools 1	35	Prince William County Schools	36		

### REGIONAL SPORTS PROGRAMMING Channels vary by package subscription.<sup>1</sup>

<b>PRIME HD, EXTREME HD AND ULTIMATE HD</b>				<b>LA CONEXIÓN</b>			
Comcast SportsNet Mid-Atlantic	76	Mid-Atlantic Sports Network	77	Comcast SportsNet Mid-Atlantic	1525		
Comcast SportsNet Mid-Atlantic HD	576	Mid-Atlantic Sports Network HD	577	Mid-Atlantic Sports Network	1526		



# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

EFFECTIVE JANUARY 2010

### PRIME HD

Includes all channels in the box below & all channels in FiOS TV Local. Additional subscriptions may be added.<sup>1</sup>

#### FiOS TV ESSENTIALS

##### ENTERTAINMENT

FX	53
Spike TV	54
TBS <sup>▼</sup>	52
TNT <sup>▼</sup>	51
USA Network <sup>▼</sup>	50

##### ENTERTAINMENT HD

Comedy Central HD	690
FX HD	553
Spike HD	554
TBS HD	552
TNT HD	551
USA Network HD	550

##### FAMILY

Retirement Living <sup>†</sup>	245
RFD TV <sup>†</sup>	247
TV Land	244

##### HOME & LEISURE

Food Network <sup>▼</sup>	164
HGTV <sup>▼</sup>	165
Travel Channel <sup>▼</sup>	170

##### HOME & LEISURE HD

Food Network HD	664
HGTV HD	665
Travel Channel HD <sup>▼</sup>	670

##### INFO & EDUCATION

Animal Planet <sup>▼</sup>	130
Discovery Channel <sup>▼</sup>	120

##### FiOS TV Info

History Channel <sup>▼</sup>	131
Science Channel <sup>▼</sup>	128
TLC <sup>▼</sup>	122
	139

##### INFO & EDUCATION HD

Animal Planet HD	630
Discovery Channel HD <sup>▼</sup>	620
History Channel HD	628
Science Channel HD	622
TLC HD	639

#### KIDS

Cartoon Network (ESP) <sup>▼</sup>	257
Disney Channel <sup>▼</sup>	250
Nick Jr. <sup>▼</sup>	256
Nickelodeon <sup>▼</sup>	252
TeenNick	255

#### KIDS HD

Disney Channel HD	780
Nickelodeon HD	752

#### MARKETPLACE

HSN	151
Jewelry	155
QVC	150
Shop NBC	157

#### MARKETPLACE HD

HSN HD	651
QVC HD	650

#### MOVIES

AMC	231
Hallmark Channel	240
Hallmark Movie Channel <sup>†</sup>	239
Reelz Channel	233

#### MOVIES HD

AMC HD	731
Hallmark Movie Channel HD <sup>†</sup>	739

#### MUSIC

CMT <sup>▼</sup>	221
Gospel Music Channel <sup>▼†</sup>	224
MTV <sup>▼</sup>	210
Soundtrack Channel	229
VH1 <sup>▼</sup>	217

#### MUSIC HD

CMT HD	721
MTV HD	710
VH1 HD	717

#### NEWS

Bloomberg TV <sup>▼</sup>	104
CNBC	102
CNN <sup>▼</sup>	100
CNN Headline News	101
C-SPAN	109
C-SPAN 2	110
C-SPAN 3	111
Fox News	118
MSNBC	103
The Weather Channel	119

#### NEWS HD

CNBC HD+	602
CNN HD	600
Fox News HD	618
The Weather Channel HD	619

#### PEOPLE & CULTURE

BET <sup>▼</sup>	270
Sino TV Network	281

#### POP CULTURE

A&E <sup>▼</sup>	181
ABC Family <sup>▼</sup>	199
Bravo <sup>▼</sup>	185
Comedy Central <sup>▼</sup>	190
E! Entertainment Television	196
Syfy <sup>▼</sup>	180
truTV <sup>▼</sup>	183
TV Guide	195

#### POP CULTURE HD

A&E HD	681
ABC Family HD	699
Bravo HD	685
Syfy HD	680

#### RELIGION

Church Channel	288
EWTN	285
JCTV	289
The Word Network	292
Trinity Broadcasting Network	295

#### SPORTS

ESPN <sup>▼</sup>	70
ESPN2	74
<b>Refer to Regional Sports Programming for local listings</b>	
Versus <sup>▼</sup>	90

#### SPORTS HD

ESPN HD	570
ESPN2 HD	574

#### Refer to Regional Sports Programming for local listings

Versus HD	590
YES HD	595

#### WOMEN

Lifetime <sup>▼</sup>	140
Lifetime Movie Network <sup>▼</sup>	141
Oxygen <sup>▼</sup>	144
WE tv <sup>▼</sup>	149

#### WOMEN HD

Lifetime HD	640
Lifetime Movie Network HD	641
WE tv HD	649

#### DIGITAL MUSIC

Go to [verizon.com/fioschannels](http://verizon.com/fioschannels) or your On-screen Guide for a detailed listing of Digital Music channels.

<b>MUSIC CHOICE</b>	1800-1845
<b>URGE RADIO</b>	1900-1951

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# VERIZON FiOS CHANNEL LINEUP

WASHINGTON METRO AREA

EFFECTIVE JANUARY 2010

## EXTREME HD

Includes all channels in the box below & all channels in Prime HD<sup>1</sup> & in FiOS TV Local.  
Additional subscriptions may be added.

<b>ENTERTAINMENT HD</b>		<b>KIDS</b>		<b>NEWS HD</b>		<b>SPORTS</b>	
HD Net	569	Boomerang (ESP) <sup>2</sup>	258	Fox Business Network HD	617	Big Ten Network <sup>3</sup>	85
Universal HD	567	Discovery Kids <sup>4</sup>	259	<b>PEOPLE &amp; CULTURE</b>		Big Ten Network1	330
WGN HD	568	Disney XD <sup>5</sup>	251	Bridges TV	278	Big Ten Network2	331
<b>FAMILY</b>		FUNimation <sup>6</sup>	262	CCTV-9	277	Big Ten Network3	332
AmericanLife TV	243	Nick 2	253	Centric	220	Big Ten Network4	333
Blaze Highways TV <sup>7</sup>	246	Nick Toons	254	Galavisión	274	ESPN Classic Sports	71
Family Net	242	NBS Kids Sprout <sup>8</sup>	263	HTN	279	ESPN Deportes <sup>9</sup>	1520
<b>HOME &amp; LEISURE</b>		KIDS HD		MTV Tr3s <sup>10</sup>	273	ESPN <sup>11</sup>	75
Discovery Health <sup>12</sup>	181	Disney XD HD	781	Mun2	275	ESPNNews	72
DIY Network <sup>13</sup>	187	<b>MOVIES</b>		SITV <sup>14</sup>	276	Fox Soccer Channel	84
Fine Living	165	Fox Movie Channel <sup>15</sup>	232	TV One	271	Golf Channel	304
Fix TV	163	Turner Classic Movies <sup>16</sup>	230	<b>POP CULTURE</b>		MLB Network	86
Planet Green <sup>17</sup>	168	<b>MOVIES HD</b>		BBC America	189	NBA TV	89
Style	166	HD Net Movies	746	Chiller	193	NFL Network <sup>18</sup>	80
Venta TV	162	<b>MUSIC</b>		Crime & Investigation Network	182	NHL Network	87
Wealth TV <sup>19</sup>	169	SET Gospel	225	Current TV	192	Refer to Regional Sports	
<b>HOME &amp; LEISURE HD</b>		CMT Pure Country	222	Fox Reality <sup>20</sup>	192	Programming for local listings	
Planet Green HD	668	Fuse <sup>21</sup>	216	Fuel TV <sup>22</sup>	198	Speed Channel <sup>23</sup>	63
Wealth TV HD <sup>24</sup>	669	Great American Country	223	G4	191	<b>SPORTS HD</b>	
<b>INFO &amp; EDUCATION</b>		MTV Hits	214	GSN	184	Big Ten Network HD <sup>25</sup>	585
Bio	129	MTV Jams	213	Logo <sup>26</sup>	187	ESPN HD	573
History Channel International	127	MTV U	212	Ovation <sup>27</sup>	188	ESPN HD	572
Investigation Discovery <sup>28</sup>	123	MTV2 <sup>29</sup>	211	Sleuth	186	ESPN HD	593
Military Channel <sup>30</sup>	125	VH1 Classic <sup>31</sup>	218	<b>RELIGION</b>		MLB Network HD	306
Military History Channel	126	VH1 Soul	219	BYU Television	290	NBA TV HD	589
National Geographic Channel <sup>32</sup>	121	<b>MUSIC HD</b>		E-Life	287	NFL Network HD	587
Pentagon Channel	124	Fuse HD	716	INSP <sup>33</sup>	386	Refer to Regional Sports	
<b>INFO &amp; EDUCATION HD</b>		Palladia HD <sup>34</sup>	711	Smile of a Child	294	Programming for local listings	
Bio HD	629	<b>NEWS</b>		Three Angels		Speed Channel HD	383
HD Theater	631	ABC News Now <sup>35</sup>	108	Broadcasting Network	291	<b>WOMEN</b>	
National Geographic		BBC World News	107			Lifetime Seal Women	142
Channel HD <sup>36</sup>	621	CNBC World	104			SOAPnet <sup>37</sup>	143
Smithsonian Channel HD <sup>38</sup>	625	CNN International	105				
		Fox Business Network	117				

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# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

EFFECTIVE JANUARY 2010

### ULTIMATE HD

Includes all channels in the box below & all channels in Prime HD, Extreme HD & in FiOS TV Local. Additional subscriptions may be added.<sup>1</sup>

<b>ENTERTAINMENT HD</b>		<b>Showtime Women West</b>	376	<b>POP CULTURE HD</b>		<b>SPORTS HD</b>	
ES.TV HD	558	TMC	385	Cars.TV HD	599	MavTV HD	598
<b>INFO &amp; EDUCATION HD</b>		TMC West	386	Comedy.TV HD	695	NFL RedZone HD	835
Pets.TV HD	633	TMC Xtra	387	MyDestination.TV HD	674	Outdoor Channel HD <sup>✓</sup>	591
<b>MOVIES</b>		TMC Xtra West	388	Recipe.TV HD	676	<b>Refer to Regional Sports Programming for local listings</b>	
Flix <sup>✓</sup>	390	<b>MOVIES HD</b>		<b>SPORTS</b>		The Tennis Channel HD <sup>✓</sup>	592
Flix West	391	MGM Channel HD	744	Blackbelt TV	319	World Fishing Network HD <sup>✓</sup>	597
Showtime <sup>✓</sup>	365	Showtime HD <sup>✓</sup>	865	CBS College Sports Network	94		
Showtime 2	369	Showtime 2 HD	869	Fox College Sports — Atlantic	300		
Showtime 2 West	370	Showtime 2 West HD	870	Fox College Sports — Central	301		
Showtime Beyond	371	Showtime Extreme HD	873	Fox College Sports — Pacific	302		
Showtime Beyond West	372	Showtime Extreme West HD	874	Fox Sports en Español	311		
Showtime Extreme	373	Showtime Showcase HD	867	GOL TV	313		
Showtime Extreme West	374	Showtime Showcase West HD	868	Horse Racing TV	316		
Showtime Family Zone	379	Showtime West HD	866	MavTV	318		
Showtime Family Zone West	380	TMC HD	885	NFL RedZone	335		
Showtime Next	377	TMC West HD	886	Outdoor Channel	307		
Showtime Next West	378	TMC Xtra HD	887	<b>Refer to Regional Sports Programming for local listings</b>			
Showtime Showcase	367	TMC Xtra West HD	888	Sportsman Channel	308		
Showtime Showcase West	368			The Tennis Channel	303		
Showtime West	366			TVG (Horse Racing)	315		
Showtime Women	375			World Fishing Network <sup>✓</sup>	317		

To order this package or other subscription packages, go to [verizon.com/fiosvcentral](http://verizon.com/fiosvcentral).

### INTERNATIONAL

Additional subscription required.<sup>1</sup>

<b>ARABIC</b>		<b>CHINESE (MANDARIN)</b>		<b>ITALIAN</b>		<b>ROMANIAN</b>	
ART	1780	CCTV4 (China Central Television-4)	1795	RAI Italia	1772	Pro TV	1783
Kuwait TV	1781	CTI (CTI Zhong Tian Channel)	1796	<b>JAPANESE</b>		RSC 1	1784
<b>ARMENIAN</b>		Phoenix North America	1797	TV Japan	1770	<b>RUSSIAN</b>	
Public TV of Armenia	1779	<b>FILIPINO</b>		<b>KOREAN</b>		Channel 1 Russian	1773
<b>BALKAN</b>		GMA Pinoy	1756	MBC	1760	RTN	1774
BN TV	1777	The Filipino Channel	1755	SBS <i>Coming Soon</i>	1762	RTR Planeta	1775
NTV Hayat	1778	<b>FRENCH</b>		YTN	1761	<b>SOUTH ASIAN</b>	
<b>BRAZILIAN</b>		TV 5 Monde	1771	<b>PERSIAN</b>		SETAsia	1754
TV Globo <i>Coming Soon</i>	1768	<b>GERMAN</b>		Rang A Rang (Farsi)	1785	TV Asia	1752
<b>CAMBODIAN</b>		Deutsche Welle	1787	<b>POLISH</b>		Zee TV	1753
CTN	1766	ProSiebenSat.1 Welt	1788	TV Polonia	1776	<b>SOUTH ASIAN-PUNJABI</b>	
TVK	1767	<b>GREEK</b>		<b>PORTUGUESE</b>		Jus Punjabi	1757
<b>CHINESE (CANTONESE)</b>		Antenna	1789	RTPI	1764	<b>VIETNAMESE</b>	
TVBe Jade <i>Coming Soon</i>	1798					SBTN	1765

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# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

### EFFECTIVE JANUARY 2010

## PREMIUM/MOVIE

Additional subscription required.<sup>1</sup>

### MOVIE PACKAGE

Encore <sup>▼</sup>	350
Encore Action	360
Encore Action West	361
Encore Drama	358
Encore Drama West	359
Encore Love	352
Encore Love West	353
Encore Mystery	356
Encore Mystery West	357
Encore WAM!	362
Encore West	351
Encore Westerns	354
Encore Westerns West	355
Flix <sup>▼</sup>	390
Flix West	391
Independent Film Channel <sup>▼</sup>	394
Indieplex	348
Retroplex	349
Showtime <sup>▼</sup>	365
Showtime 2	369
Showtime 2 West	370
Showtime Beyond	371
Showtime Beyond West	372
Showtime Extreme	373
Showtime Extreme West	374
Showtime Family Zone	379
Showtime Family Zone West	380
Showtime Next	377
Showtime Next West	378
Showtime Showcase	367
Showtime Showcase West	368
Showtime West	366
Showtime Women	375

Showtime Women West	376
Starz <sup>▼</sup>	340
Starz Cinema	346
Starz Comedy	347
Starz Edge	342
Starz Edge West	343
Starz in Black	344
Starz Kids & Family	345
Starz West	341
Sundance <sup>▼</sup>	392
TMC <sup>▼</sup>	385
TMC West	386
TMC Xtra	387
TMC Xtra West	388

### PREMIUMS

HBO	
HBO <sup>▼</sup>	400
HBO 2	402
HBO 2 West	403
HBO Comedy	408
HBO Comedy West	409
HBO Family	406
HBO Family West	407
HBO Latino	412
HBO Latino West	413
HBO Signature	404
HBO Signature West	405
HBO West	401
HBO Zone	410
HBO Zone West	411

### CINEMAX

Action Max	424
Action Max West	425
At Max	429

Cinemax <sup>▼</sup>	420
Cinemax West	421
Five Star Max	430
More Max	422
More Max West	423
OuterMax	431
Thriller Max	426
Thriller Max West	427
WMAX	428

### EPIX

EPIX	395
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### OTHER PREMIUMS

here! <sup>▼</sup>	445
Playboy TV <sup>▼</sup>	440
Playboy TV en Español	441

### HI-DEFINITION

MOVIE PACKAGE HD <sup>1</sup>	
Encore HD <sup>▼</sup>	850
Showtime HD <sup>▼</sup>	865
Showtime 2 HD	869
Showtime 2 West HD	870
Showtime Extreme HD	873
Showtime Extreme West HD	874
Showtime Showcase HD	867
Showtime Showcase West HD	868
Showtime West HD	866
Starz Comedy HD	847
Starz Edge HD	842
Starz HD <sup>▼</sup>	840
Starz Kids & Family HD	845
TMC HD	885
TMC West HD	886

TMC Xtra HD	887
TMC Xtra West HD	888

### PREMIUMS HD

HBO HD	
HBO HD	899
HBO 2 HD	902
HBO 2 West HD	903
HBO Comedy HD	908
HBO Comedy West HD	909
HBO Family HD	906
HBO Family West HD	907
HBO Latino HD	912
HBO Latino West HD	913
HBO Signature HD	904
HBO Signature West HD	905
HBO West HD	901
HBO Zone HD	910
HBO Zone West HD	911

### CINEMAX HD

Action Max HD	924
Action Max West HD	925
At Max HD	929
Cinemax HD <sup>▼</sup>	920
Cinemax West HD	921
Five Star Max HD	930
More Max HD	922
More Max West HD	923
OuterMax HD	931
Thriller Max HD	926
Thriller Max West HD	927
WMAX HD	928

### EPIX HD

EPIX HD	895
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## VIDEO ON DEMAND

Movies and TV on your schedule.

Get instant access to all your favorite programs — all channels marked with a <sup>▼</sup> include a Video On Demand option when subscribed to the package or channel. Press the On Demand button on your remote or go to channel 900 to order or purchase.

### FREE

Choose from thousands of free titles in popular categories such as Kids, Music and Entertainment.

### MOVIES

FiOS offers new releases as well as old favorites and critically acclaimed independent films.

### PREMIUM SUBSCRIPTIONS

Many premium channels that you subscribe to are available to you for free on VOD.

### Also available by subscription are:

Bollywood Movies & Music  
Disney Family Movies  
Karaoke Channel  
The Jewish Channel  
Too Much for TV  
WWE 24/7

### EVENTS

Watch your favorite sporting events, concerts and uncensored TV shows.

### ADULT

Please remember that parental controls can be easily set up. For more information on setting up parental controls, consult your FiOS User Guide or the FiOS TV Help Videos on VOD.

### FiOS TV HELP VIDEOS

Find answers to your questions here.

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# VERIZON FiOS CHANNEL LINEUP

## WASHINGTON METRO AREA

EFFECTIVE JANUARY 2010

### PAY PER VIEW

Available for purchase.<sup>1</sup>

Pay Per View channels available to all customers.

#### PAY PER VIEW/SUBSCRIPTION SPORTS

ESPN Game Plan/Full Court 1010-1015	MLB Extra Innings/	NBA League Pass/	NFL RedZone	335
HD PPV Events 1001	NHL Center Ice 1475-1488	MLS Direct Kick 1490-1494	NFL RedZone HD	835
Hot Choice PPV 1005	MLB Extra Innings/	NBA League Pass HD/	Setanta Sports	1009
	NHL Center Ice HD <sup>2</sup> 1474	MLS Direct Kick HD <sup>2</sup> 1489	TVN Events	1000

### SPANISH LANGUAGE

Additional subscription required.

Boomerang (ESP) 1724	Discovery en Español <sup>3</sup> 1563	History Channel en Español 1561	Telehit 1662
Canal SUR 1549	Discovery Familia 1702	HITn 1648	Toon Disney Español 1722
Cine Latino 1685	ESPN Deportes2 1520	Infinito 1620	TV Chile 1704
Cine Mexicano 1686	EWTN Español 1741	La Familia 1701	TV Colombia 1705
CNN en Español 1540	Fox Sports en Español 1521	MTV Tr3s 1660	TVE Internacional 1560
De Película 1680	Galavisión 1503	¡Sorpresa! 1720	WAPA TV 1508
De Película Clásico 1681	GOL TV 1523	TBN Enlace 1740	

### LA CONEXIÓN

Additional subscription required.<sup>1</sup>

#### ENTERTAINMENT

FX	1504
Galavisión	1503
Spike TV	1505
TBS <sup>4</sup>	1502
TNT <sup>4</sup>	1501
USA Network <sup>4</sup>	1500
WAPA TV	1508

#### FAMILY

ABC Family <sup>4</sup>	1700
Discovery Familia <sup>4</sup>	1702
La Familia	1701
TV Chile	1704
TV Colombia	1705
TV Land	1707

#### HOME & LEISURE

Discovery Health <sup>4</sup>	1625
Food Network <sup>4</sup>	1621
HGTV <sup>4</sup>	1622
Infinito	1620
Travel Channel <sup>4</sup>	1623

#### INFO & EDUCATION

Animal Planet <sup>4</sup>	1565
Discovery Channel <sup>4</sup>	1562
Discovery en Español <sup>4</sup>	1563
History Channel en Español	1561
TLC <sup>4</sup>	1566
TVE Internacional	1560

#### KIDS

Boomerang <sup>4</sup>	1725
Boomerang (ESP)	1724
Cartoon Network (ESP)	1726
Disney en Español	1729
Nickelodeon <sup>4</sup>	1728
¡Sorpresa!	1720
Toon Disney Español	1722

#### MARKETPLACE

HSN	1601
QVC	1600
Shop NBC	1603

#### MOVIES

Cine Latino	1685
Cine Mexicano	1686
De Película	1680
De Película Clásico	1681

#### MUSIC

CMT <sup>4</sup>	1665
MTV Tr3s <sup>4</sup>	1660
MTV2 <sup>4</sup>	1661
Telehit	1662

#### NEWS

Canal SUR	1549
CNBC	1544
CNN <sup>4</sup>	1541
CNN en Español	1540
CNN Headline News	1542
C-SPAN	1546
Fox Business Network	1547
Fox News	1543
MSNBC	1545

#### POP CULTURE

A&E <sup>4</sup>	1641
Comedy Central <sup>4</sup>	1644
E! Entertainment Television	1640
HITn	1648
Mun2	1643
Si TV <sup>4</sup>	1642
Syfy <sup>4</sup>	1645

#### RELIGION

EWTN Español	1741
TBN Enlace	1740

#### SPORTS

ESPN Deportes2 <sup>4</sup>	1520
Fox Sports en Español	1521
Fox Soccer Channel	1522
GOL TV	1523

Refer to Regional Sports Programming for local listings

#### WOMEN

Lifetime <sup>4</sup>	1580
Lifetime Movie Network <sup>4</sup>	1581

#### DIGITAL MUSIC

Go to [verizon.com/fiosvchannels](http://verizon.com/fiosvchannels) or your On-screen Guide for a detailed listing of Digital Music channels.

MUSIC CHOICE	1800-1845
URGE RADIO	1900-1951

Verizon FiOS TV occasionally changes its channel offerings. For a complete listing of all the Verizon FiOS TV channels available in your area, visit [verizon.com/fiosvchannels](http://verizon.com/fiosvchannels).

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<sup>1</sup>A Verizon-supplied HD receiver and an HD-ready TV set required to receive HD programming.

<sup>2</sup>When a regional sports station carries more than one game, Verizon may air that additional game on channel 1 (Fios1).

<sup>3</sup>Only available in Falls Church.

<sup>4</sup>Only available in Herndon.

<sup>5</sup>Channels are only available in Prime HD and Ultimate HD packages.

<sup>6</sup>Select programming available on Video On Demand.

Programming services offered within each package are subject to change, and not all programming services will be available at all times. Blackout restrictions also apply.

WASHMET-01/10 CCT10008

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## Versus, DirecTV Reconnect On Carriage Accord

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### Deal Ends Six-Month Stalemate, Returning Comcast's National Sports Service To Top DBS Provider's Air

*By Mike Reynolds -- Multichannel News, March 15, 2010*

After a more than six-month stalemate, DirecTV and Comcast have reached an agreement to return Versus to the top DBS provider's air.

Deal terms were not disclosed, but the agreement returns Versus to more than 14 million DirecTV households, the same level of penetration the network had before the parties' contract expired on Sept. 1 over pricing and positioning issues.

The pact also comes before Versus drops the puck as the **exclusive national cable carrier of the National Hockey League playoffs**, which face off next month, and as the sport winds down its regular-season and post-season chase.

DirecTV said Versus was seeking a major hike in its monthly license fee, while the Comcast-owned network had balked at the DBS operator wanting to drop it to a less penetrated level of service, reaching just 6.6 million homes.

During the fall, Versus carved out an extended and extensive free preview on Dish Network, as well as in select Time Warner Cable and Cox markets, which enabled it to **make up much of the void left by the DirecTV disconnect**.

It was unclear at press time, if Comcast and DirecTV, which have been at contract loggerheads over each other's regional sports networks had resolved some of those issues as part of the Versus settlement.

"We are pleased that both sides were able to work out a satisfactory deal to bring this programming back to our customers," said Derek Chang, executive vice president, content strategy and development, DirecTV in a statement.

"We're excited that we were able to come to a fair agreement that puts Versus back in millions of homes with DirecTV in time for our busy spring programming schedule," noted Versus president Jamie Davis. "We look forward to super-serving these fans with NHL regular-season and playoff coverage, our first live UFC event and much more."

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## Display Channels

Channel No.	Channel Name	Type
2	WRAZ-FOX 50 Raleigh, NC	Limited Basic
3	Local Education	Limited Basic
4	WUNK-PBS Greenville, NC	Limited Basic
5	WRAL-CBS 5 Raleigh, NC	Limited Basic
6	WRPX-ION Rocky Mount, NC	Limited Basic
7	WITN-NBC Washington, NC	Limited Basic
8	WRDC-MNT 28 Durham, NC	Limited Basic
9	WNCT-CBS Greenville, NC	Limited Basic
10	WLFL-CW 22 Raleigh, NC	Limited Basic
11	WTVD-ABC 11 Durham, NC	Limited Basic
12	WNCN-NBC Goldsboro, NC	Limited Basic
13	Public Access	Limited Basic
15	WRAY-IND Wilson, NC	Limited Basic
16	WGN-IND 9 Chicago, IL	Limited Basic
17	WHIG-LP Rocky Mount, NC	Limited Basic
18	QVC	Limited Basic
19	Local Government	Limited Basic
20	WNCR-LP Tarboro, NC	Limited Basic
24	C-SPAN	Limited Basic
29	Trinity Broadcasting Network	Limited Basic
30	TV Guide Channel	Limited Basic
31	Home Shopping Network	Limited Basic
32	ShopNBC	Limited Basic
33	Animal Planet	Expanded Basic *
34	TV Land	Expanded Basic *
35	Headline News	Expanded Basic *
36	Spike TV	Expanded Basic *
37	TNT	Expanded Basic *
38	CNN	Expanded Basic *
39	Comedy Central	Expanded Basic *
40	Turner Classic Movies	Expanded Basic *
41	The Golf Channel	Expanded Basic *
42	Disney	Expanded Basic *
43	USA	Expanded Basic
44	Lifetime Television	Expanded Basic
45	C-SPAN 2	Expanded Basic
46	FX	Expanded Basic
47	ESPN	Expanded Basic
48	ESPN 2	Expanded Basic

49	Fox Sports Carolinas	Expanded Basic
50	Weatherscan	Expanded Basic
51	Syfy	Expanded Basic
52	The Travel Channel	Expanded Basic
53	Arts & Entertainment	Expanded Basic
54	American Movie Classics	Expanded Basic
55	The Learning Channel	Expanded Basic
56	Discovery Channel	Expanded Basic
57	CMT	Expanded Basic
58	Home & Garden Television	Expanded Basic
59	Nickelodeon	Expanded Basic
60	TBS Superstation	Expanded Basic
61	MSNBC	Expanded Basic
62	MTV	Expanded Basic
63	VH-1	Expanded Basic
64	The Weather Channel	Expanded Basic
65	CNBC	Expanded Basic
66	E! Entertainment	Expanded Basic
67	ABC Family	Expanded Basic
68	BET	Expanded Basic
69	Bravo	Expanded Basic
70	Cartoon Network	Expanded Basic
71	Food Network	Expanded Basic
72	History Channel	Expanded Basic
73	Telemundo (satellite)	Expanded Basic
74	Fox News Channel	Expanded Basic
100	Discovery Kids	Digital Variety Tier
101	The Science Channel	Digital Variety Tier
102	Nick Jr.	Digital Variety Tier
103	Investigation Discovery	Digital Variety Tier
104	The Military Channel	Digital Variety Tier
105	Discovery Health Channel	Digital Variety Tier
106	Univision	Digital Variety Tier
107	Planet Green	Digital Variety Tier
108	Fox Business Network	Digital Variety Tier
150	WRAL-HD-CBS Raleigh, NC	HD Broadcast
151	WRAL DT This TV (SD)	Digital Broadcast
154	UNC-TV Education (SD) (WUNC)	Digital Broadcast
156	UNC-TV EX (SD) (WUNC)	Digital Broadcast
157	UNC-TV Kids (SD) (WUNC)	Digital Broadcast
159	WTVD Weather Radar (SD)	Digital Broadcast
160	WRAZ Digital RTN	Digital Broadcast
161	WRAZ DT (SD)	Digital Broadcast
162	WNCN Weather Plus (SD)	Digital Broadcast
167	WITN DT My TV Eastern Carolina	Digital Broadcast
200	Sundance East	Digital Movie Tier

3/18/2010

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201	Encore East	Digital Movie Tier
202	Encore Westerns East	Digital Movie Tier
203	Encore Love East	Digital Movie Tier
204	Encore Mystery East	Digital Movie Tier
205	Encore Action East	Digital Movie Tier
206	Encore Drama East	Digital Movie Tier
207	Lifetime Movie Network	Digital Movie Tier
217	MTV 2	Digital Variety Tier
218	MTV U	Digital Variety Tier
219	History Channel International	Digital Variety Tier
220	Biography Channel	Digital Variety Tier
221	Nick Toons	Digital Variety Tier
222	Disney XD	Digital Variety Tier
223	Fuse	Digital Variety Tier
224	MTV Hits	Digital Variety Tier
225	VH-1 Soul	Digital Variety Tier
226	VH-1 Classic Rock	Digital Variety Tier
227	CMT Pure Country	Digital Variety Tier
228	Centric	Digital Variety Tier
229	SoapNet	Digital Variety Tier
230	BBC America	Digital Variety Tier
231	truTV	Digital Variety Tier
232	Game Show Network	Digital Variety Tier
234	Teen Nick	Digital Variety Tier
235	National Geographic	Digital Variety Tier
236	Oxygen	Digital Variety Tier
237	Great American Country	Digital Variety Tier
238	TV One	Digital Variety Tier
239	Boomerang	Digital Variety Tier
240	ABC News Now	Digital Variety Tier
241	ESPN U	Digital Sports & Information
242	ESPNNews	Digital Sports & Information
243	ESPN Classic	Digital Sports & Information
244	Fox Soccer Channel	Digital Sports & Information
245	The Tennis Channel	Digital Sports & Information
246	Bloomberg	Digital Sports & Information
247	G4	Digital Sports & Information
248	Speed Channel	Digital Sports & Information
249	VERSUS	Digital Sports & Information
250	Outdoor Channel	Digital Sports & Information
251	Do-it-Yourself	Digital Sports & Information
252	Fine Living	Digital Sports & Information
253	Fuel	Digital Sports & Information
255	CBS College Sports Network	Digital Sports & Information
261	Hallmark Channel	Digital Family & Inspiration
262	AmericanLife TV	Digital Family & Inspiration

263	Family Net	Digital Family & Inspiration
264	Halogen (formerly Inspirational Life)	Digital Family & Inspiration
266	The WORD Network	Digital Family & Inspiration
267	Inspirational Network	Digital Family & Inspiration
268	EWTN	Digital Family & Inspiration
269	UNC-TV Kids (SD) (WUNC)	Digital Family & Inspiration
300	HBO East	Digital Premium
301	HBO2 East	Digital Premium
302	HBO Family East	Digital Premium
303	HBO Signature East	Digital Premium
304	HBO Zone East	Digital Premium
305	HBO Comedy East	Digital Premium
306	HBO Latino East	Digital Premium
307	HBO HD East	HD Premium
308	HBO West	Digital Premium
320	Cinemax East	Digital Premium
321	More Max East	Digital Premium
322	Action Max East	Digital Premium
323	Thriller Max East	Digital Premium
325	More Max West	Digital Premium
326	OuterMAX East	Digital Premium
327	@Max East	Digital Premium
339	Showtime HD East	HD Premium
340	Showtime East	Digital Premium
341	Showtime Too East	Digital Premium
342	Showtime Showcase East	Digital Premium
343	Showtime Extreme East	Digital Premium
344	Showtime Beyond East	Digital Premium
345	The Movie Channel East	Digital Premium
346	The Movie Channel Xtra East	Digital Premium
360	Encore West	Digital Premium
361	Starz East	Digital Premium
362	Starz Edge East	Digital Premium
363	Starz in Black East	Digital Premium
364	Starz Kids & Family East	Digital Premium
365	Starz Cinema East	Digital Premium
401	Discovery en Espanol	Conexion Unica
402	Fox Sports en Espanol	Conexion Unica
403	CNN en Espanol	Conexion Unica
404	MTV Tr3s	Conexion Unica
406	Disney XD SAP	Conexion Unica
407	Boomerang SAP	Conexion Unica
408	HBO Latino East	Digital Premium
409	CineLatino	Conexion Unica
410	Video Rola	Conexion Unica
411	ESPN Deportes	Conexion Unica

412	SUR	Conexion Unica
500	IN DEMAND Barker	Digital PPV
501	IN DEMAND 1	Digital PPV
502	IN DEMAND 2	Digital PPV
503	IN DEMAND 3	Digital PPV
504	IN DEMAND 4	Digital PPV
505	IN DEMAND 5	Digital PPV
506	IN DEMAND 6	Digital PPV
507	IN DEMAND 7	Digital PPV
590	Playboy	Digital PPV
591	Fresh!	Digital PPV
592	Skin TV	Digital PPV
593	Spice:Xcess	Digital PPV
594	Playboy en Espanol	Digital PPV
595	Club Jenna	Digital PPV
701	WRAL-HD-CBS Raleigh, NC	HD Broadcast
702	WRAZ-HD-FOX Raleigh, NC	HD Broadcast
707	WNCN-HD-NBC Goldboro, NC	HD Broadcast
711	WTVD-HD-ABC Durham, NC	HD Broadcast
712	WTVD HD Live Well	HD Broadcast
715	WUNC-HD-PBS Chapel Hill, NC	HD Broadcast
718	USA HD	HD Basic
719	Syfy HD	HD Basic
720	FX HD	HD Basic
721	TNT HD	HD Basic
722	TBS HD	HD Basic
723	Fox Sports Carolinas HD	HD Basic
724	ESPN HD	HD Basic
725	ESPN 2 HD	HD Basic
734	Home & Garden Television HD	HD Basic
735	Food Network HD	HD Basic
736	National Geographic HD	HD Digital Variety Tier
737	Arts & Entertainment HD	HD Basic
771	HD Theater	HD Plus Tier
772	HDNet	HD Plus Tier
773	HDNet Movies	HD Plus Tier
774	MGM HD	HD Plus Tier
780	HBO HD East	HD Premium
785	Starz HD East	HD Premium
790	Showtime HD East	HD Premium
901	MC - Hit List	Digital Music
902	MC - Hip Hop and R&B	Digital Music
903	MC - MixTape	Digital Music
904	MC - Dance/Electronica	Digital Music
905	MC - Rap	Digital Music
906	MC - Hip-Hop Classics	Digital Music

907	MC - Throwback Jamz	Digital Music
908	MC - R & B Classics	Digital Music
909	MC - R&B Soul	Digital Music
910	MC - Gospel	Digital Music
911	MC - Reggae	Digital Music
912	MC - Classic Rock	Digital Music
913	MC - Retro Rock	Digital Music
914	MC - Rock	Digital Music
915	MC - Metal	Digital Music
916	MC - Alternative	Digital Music
917	MC - Classic Alternative	Digital Music
918	MC - Adult Alternative	Digital Music
919	MC - Soft Rock	Digital Music
920	MC - Pop Hits	Digital Music
921	MC - 90s	Digital Music
922	MC - 80's	Digital Music
923	MC - 70's	Digital Music
924	MC - Solid Gold Oldies	Digital Music
925	MC - Party Favorites	Digital Music
926	MC - Stage & Screen	Digital Music
927	MC - Kids Only!	Digital Music
928	MC - Toddler Tunes	Digital Music
929	MC - Today's Country	Digital Music
930	MC - True Country	Digital Music
931	MC - Classic Country	Digital Music
932	MC - Contemporary Christian	Digital Music
933	MC - Sounds of the Seasons	Digital Music
934	MC - Soundscapes	Digital Music
935	MC - Smooth Jazz	Digital Music
936	MC - Jazz	Digital Music
937	MC - Blues	Digital Music
938	MC - Singers & Swing	Digital Music
939	MC - Easy Listening	Digital Music
940	MC - Classical Masterpieces	Digital Music
941	MC - Light Classical	Digital Music
942	MC - Musica Urbana	Digital Music
943	MC - Pop Latino	Digital Music
944	MC - Tropicales	Digital Music
945	MC - Mexicana	Digital Music
946	MC - Romances	Digital Music


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## Sports - Pro Golf

The PGA is only one part of the world of golf covered by cable. From The Golf Channel's A-Z approach to ESPN's coverage of US Amateur and women's LPGA to the 52-week coverage of the PGA Tour by USA, ESPN, and TNT, golf programming is plentiful on cable. And, in most cases, especially in the main tour, it is all LIVE, including primetime events from Asia and Hawaii.

Golf fans follow their favorite players and accord them with celebrity status. While Tiger Woods has become a marquee player known worldwide, golf fans each have their favorites and tune in to root for them. Even Hollywood gets into the golf scene with the yearly visit of the PGA to Pebble Beach, California, giving golf that extra status as a sport that attracts a glitzy crowd that TV viewers just can't resist.

While golf's overall audience rarely rivals sports like football in size, its demographics are key. Fifty percent of golf viewers generally actively play as well. Regardless of whether viewers play or not, it is golf's appeal among the affluent that makes the sport a smart investment for clients trying to reach a valuable consumer.

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### Viewer Profile:

#### Age

18-34 24.3%  
 35-54 36.7%  
 55+ 38.9%

#### Gender

Men 68.9%  
 Women 31.1%

#### Education

College Grad + 30.9%  
 Attended College 30%

#### Household Income

\$75K + 39.2%  
 \$50K - \$74,999 20.9%  
 \$30K - \$49,999 24%

#### Home Ownership

Own Home 77.7%  
 Rent Home 18.8%

Research: Scarborough USA Plus: Aug 03 - Sept 04: Adults 18+

### National Networks:

**ESPN****ESPN 2**

WE KNOW DRAMA™



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**Links:**[www.pga.com](http://www.pga.com)[www.golfweb.com](http://www.golfweb.com)[www.lpga.com](http://www.lpga.com)

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**Golf Wrap Around Programming**

Golf Central  
Scorecard Report All Major Tours  
Inside the PGA Tour  
Golf Talk  
Academy Live  
European Tour Weekly  
Pre & Post Game Show  
PGA Tour Sunday  
SportsCenter

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**Golf Key Events**

PGA Season – January to November  
The Masters – April  
U.S. Open - June  
SportsCenter U.S. Open Preview – June  
British Open - July  
PGA Championship - August  
U.S. Amateur Championship Preview - August  
Ryder Cup - September  
Golf's Player of the Year – December  
PGA Tour Season Review Special – December

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## Sports - Pro Tennis

Professional tennis is similar to the PGA in its appeal, lending itself not to large audiences, but, rather, to dedicated viewers with higher financial means, education and sophisticated lifestyles. Tennis is a regular programming feature on both ESPN and ESPN2, with USA stepping in as the perennial cable network for the exclusive presentation of the US Open (one of four tennis majors all featured on cable).

Tennis is particularly attractive as an upscale sport that has a greater than average appeal to women when compared to other sports. One reason it attracts women is that at the pro level tennis is as much about the women players as it is about the men. Tennis is also very attractive to many young adults and teens who watch it instead of other traditional sports because of the young teen players who continually enter the professional circuit.

The highlights to the year-round tennis season are the Australian Open (Jan), The French Open (May), Wimbledon (June-July), and the US Open (Aug-Sept). Most tournament coverage for these events extends two weeks and culminates with semi-finals or finals, depending on each individual tournament. Like our golf coverage, most of the cable tennis coverage featured is live with the international events often having early day or late primetime coverage, depending on each tournament's location.

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18-34 31.3%

35-54 39.9%

55+ 28.9%

**Gender**

Men 60.1%

Women 39.9%

**Education**

College Grad + 35.4%

Attended College 29.8%

**Household Income**

\$75K + 37.8%

\$50K - \$74,999 20.4%

\$30K - \$49,999 24.9%

**Home Ownership**

Own Home 69.4%

Rent Home 26%

Research: Scarborough USA Plus: Aug 03 - Sept 04: Adults 18+

**National Networks:**



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**Links:**

[www.atptennis.com](http://www.atptennis.com)

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**Tennis Wrap Around Programming**

French Open Highlight Shows  
French Open and Wimbledon Preview Shows  
Sportscenter at French Open and Wimbledon  
U.S. Open Preview Show

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**Tennis Key Events**

Australian Open (Grand Slam) – January  
Davis Cup Round 1 – February  
Davis Cup Quarterfinals – April  
French Open (Grand Slam) – May to June  
Wimbledon (Grand Slam) – June  
U.S. Open (Grand Slam) – August to September  
Davis Cup Semifinals – September  
WTA Tour Championships - November  
Tennis Masters Cup – ATP Championship – November  
ATP Championship – November  
Davis Cup Finals – November

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## VERSUS

Comcast - Digital 20004

Sunday March 21	
1:00 PM	One More Cast With Shaw Grigsby
1:30 PM	Bill Dance Outdoors
2:00 PM	Whacked Out Sports
2:30 PM	Whacked Out Sports
3:00 PM	Whacked Out Sports
3:30 PM	Sports Soup Highlights sports news stories.
4:00 PM	Snocross World Championship
5:00 PM	WEC WreckCage Highlights of WEC events.
6:00 PM	World Extreme Cagefighting
Sunday Night	
8:00 PM	Countdown to UFC Vera and Jones prepare for their fight.
9:00 PM	UFC Live: Vera vs. Jones LIVE From Broomfield, Colo.
11:00 PM	Sports Jobs With Junior Seau Junior works with trainers in MMA.
11:30 PM	Sports Soup Highlights sports news stories.
Monday March 22	
12:00 AM	UFC Live: Vera vs. Jones From Broomfield, Colo.
2:00 AM	Sports Jobs With Junior Seau Junior works with trainers in MMA.
2:30 AM	Sports Soup Highlights sports news stories.
3:00 AM	Insane Sexy Bodies! The extreme home workout.
3:30 AM	Simple Craft Ideas! Be creative with the Cricut Expression.
4:00 AM	North to Alaska
4:30 AM	Fishing With Roland Martin
5:00 AM	Paid Programming
5:30 AM	The Real Estate Secret - Russ Dalbey Little-known real estate secret.
6:00 AM	Profit in Your Town.
6:30 AM	Free Money Free money available to Americans.
7:00 AM	Jimmy Houston Outdoors
7:30 AM	GillzNFinz Fishing spotlight.
8:00 AM	Paid Programming
8:30 AM	Hank Parker's Outdoor Magazine
9:00 AM	Paid Programming
9:30 AM	Sports Soup Highlights sports news stories.
10:00 AM	Sports Jobs With Junior Seau
10:30 AM	The Best and Worst of Tred Barta
11:00 AM	City Limits Fishing
11:30 AM	Americana Outdoors
12:00 PM	The Art of Making Money by Russ Dalbey Winning in the Cash Flow Business.
12:30 PM	Escape to the Wild
1:00 PM	Seasons on the Fly
1:30 PM	Jimmy Houston Outdoors
2:00 PM	Bill Dance Outdoors
2:30 PM	Get Ripped in 90 Days Total body transformation in 90 days!
3:00 PM	Babe Winkelman's Outdoor Secrets
3:30 PM	Whacked Out Sports
4:00 PM	Sports Soup Highlights sports news stories.
4:30 PM	Whacked Out Sports
5:00 PM	Auto Racing From Richmond, Calif.
6:00 PM	Whacked Out Sports
6:30 PM	Whacked Out Sports
7:00 PM	NHL Hockey LIVE
Monday Night	
9:30 PM	Hockey Central LIVE Recap and analysis of the game.
10:00 PM	Whacked Out Sports

10:30 PM	<b>Sports Jobs With Junior Seau</b> Junior learns to be a PBR bullfighter.
11:00 PM	<b>Bull Riding</b> From Fresno, Calif.
Tuesday March 23	
2:00 AM	<b>Whacked Out Sports</b>
2:30 AM	<b>Sports Jobs With Junior Seau</b> Junior learns to be a PBR bullfighter.
3:00 AM	<b>Overcoming Anxiety</b> Recovered from anxiety.
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
4:30 AM	<b>Quest for the One</b>
5:00 AM	<b>City Limits Fishing</b>
5:30 AM	<b>The Best and Worst of Tred Barta</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Get Ripped in 90 Days</b> Total body transformation in 90 days!
7:00 AM	<b>Babe Winkelman's Outdoor Secrets</b>
7:30 AM	<b>North American Fisherman</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Scott Martin Challenge</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Lindner's Angling Edge</b> Fishing in the Great Lakes and Ontario.
10:00 AM	<b>Hook-N-Look</b>
10:30 AM	<b>Saltwater Experience</b>
11:00 AM	<b>Fishing With Roland Martin</b>
11:30 AM	<b>Bill Dance Outdoors</b>
12:00 PM	<b>Get Ripped in 90 Days</b> Total body transformation in 90 days!
12:30 PM	<b>Sports Jobs With Junior Seau</b>
1:00 PM	<b>The Next Bite</b>
1:30 PM	<b>Huntin' With the Judge</b> Hunting and fishing.
2:00 PM	<b>The Bass Pros</b>
2:30 PM	<b>Clean Home Expert</b> Fight germs and allergens in the air.
3:00 PM	<b>GillzNFinz</b> Fishing spotlight.
3:30 PM	<b>Whacked Out Sports</b>
4:00 PM	<b>Sports Soup</b> Highlights sports news stories.
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>Whacked Out Sports</b>
5:30 PM	<b>Poker2Nite</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>Hockey Central LIVE</b> Recap and analysis of the game.
Tuesday Night	
8:00 PM	<b>NHL Hockey LIVE</b>
10:30 PM	<b>Hockey Central LIVE</b> Recap and analysis of the game.
11:00 PM	<b>Sports Soup</b> Highlights sports news stories.
11:30 PM	<b>Whacked Out Sports</b>
Wednesday March 24	
12:00 AM	<b>World Extreme Cagefighting</b>
2:00 AM	<b>Sports Soup</b> Highlights sports news stories.
2:30 AM	<b>Whacked Out Sports</b>
3:00 AM	<b>Fast Cash</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>Hank Parker's Outdoor Magazine</b>
4:30 AM	<b>The Best and Worst of Tred Barta</b>
5:00 AM	<b>Life in the Open</b>
5:30 AM	<b>Escape to the Wild</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Free Money</b> Free money available to Americans.
7:00 AM	<b>Scott Martin Challenge</b>

7:30 AM	<b>Huntin' With the Judge</b> Hunting and fishing.
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Stealth Cam Adventures</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Ice Men</b>
10:00 AM	<b>Jimmy Houston Outdoors</b>
10:30 AM	<b>On Assignment</b> With Joe Coogan.
11:00 AM	<b>Real Hunting</b>
11:30 AM	<b>Safari Hunter's Journal</b> Variety of African hunts.
12:00 PM	<b>Paid Programming</b>
12:30 PM	<b>City Limits Fishing</b>
1:00 PM	<b>Campbell Outdoor Challenge</b> Teams film hunts across America.
2:00 PM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>Hank Parker's Outdoor Magazine</b>
3:30 PM	<b>Sports Soup</b> Highlights sports news stories.
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>Whacked Out Sports</b>
5:30 PM	<b>BMX Racing</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>Whacked Out Sports</b>
<b>Wednesday Night</b>	
8:00 PM	<b>WEC's Greatest Knockouts</b>
9:00 PM	<b>UFC Live: Vera vs. Jones</b> From Broomfield, Colo.
11:00 PM	<b>Poker2Nite</b>
11:30 PM	<b>Whacked Out Sports</b>
<b>Thursday March 25</b>	
12:00 AM	<b>UFC Live: Vera vs. Jones</b> From Broomfield, Colo.
2:00 AM	<b>WEC's Greatest Knockouts</b>
3:00 AM	<b>Get Ripped in 90 Days</b> Total body transformation in 90 days!
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>North American Fisherman</b>
4:30 AM	<b>Lindner's Angling Edge</b> Fishing in the Great Lakes and Ontario.
5:00 AM	<b>Fishing With Roland Martin</b>
5:30 AM	<b>City Limits Fishing</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Huntin' With the Judge</b> Hunting and fishing.
7:30 AM	<b>O'Neill Outside</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Jimmy Houston Outdoors</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Babe Winkelman's Outdoor Secrets</b>
10:00 AM	<b>Into the Blue</b>
10:30 AM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
11:00 AM	<b>Quest for the One</b>
11:30 AM	<b>Saltwater Experience</b>
12:00 PM	<b>The Art of Making Money by Russ Dalbey</b> Winning in the Cash Flow Business.
12:30 PM	<b>Real Hunting</b>
1:00 PM	<b>GillzNFinz</b> Fishing spotlight.
1:30 PM	<b>O'Neill Outside</b>
2:00 PM	<b>Escape to the Wild</b>
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>Scott Martin Challenge</b>

3:30 PM	<b>Whacked Out Sports</b>
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>Sports Jobs With Junior Seau</b>
5:30 PM	<b>Whacked Out Sports</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>UFC Primetime</b>
<b>Thursday Night</b>	
8:00 PM	<b>Field of Dreams</b>
10:30 PM	<b>Field of Dreams</b>
<b>Friday March 26</b>	
1:00 AM	<b>UFC Primetime: St. Pierre vs. Hardy</b> <small>NEW</small>
1:30 AM	<b>Sports Soup</b> Highlights sports news stories.
2:00 AM	<b>Whacked Out Sports</b>
2:30 AM	<b>Whacked Out Sports</b>
3:00 AM	<b><u>Paid Programming</u></b>
3:30 AM	<b><u>Paid Programming</u></b>
4:00 AM	<b>Deer Gear</b>
4:30 AM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
5:00 AM	<b>The Best and Worst of Tred Barta</b>
5:30 AM	<b>North to Alaska</b>
6:00 AM	<b><u>Paid Programming</u></b>
6:30 AM	<b><u>Paid Programming</u></b>
7:00 AM	<b>O'Neill Outside</b>
7:30 AM	<b>Outdoors in the Heartland</b>
8:00 AM	<b><u>Paid Programming</u></b>
8:30 AM	<b>The Next Bite</b>
9:00 AM	<b><u>Paid Programming</u></b>
9:30 AM	<b>Majesty Outdoors</b>
10:00 AM	<b>North American Fisherman</b>
10:30 AM	<b>Fishing University</b>
11:00 AM	<b>Bill Dance Outdoors</b>
11:30 AM	<b>The Bass Pros</b>
12:00 PM	<b><u>Paid Programming</u></b>
12:30 PM	<b>North to Alaska</b>
1:00 PM	<b>North American Fisherman</b>
1:30 PM	<b>Babe Winkelman's Outdoor Secrets</b>
2:00 PM	<b>Fishing With Roland Martin</b>
2:30 PM	<b><u>Paid Programming</u></b>
3:00 PM	<b>Hook-N-Look</b>
3:30 PM	<b>Quest for the One</b>
4:00 PM	<b>Saltwater Experience</b>
4:30 PM	<b>The Best and Worst of Tred Barta</b>
5:00 PM	<b>Fishing With Roland Martin</b>
5:30 PM	<b>Bill Dance Outdoors</b>
6:00 PM	<b>Fishing With Roland Martin</b>
6:30 PM	<b>Jimmy Houston Outdoors</b>
7:00 PM	<b>Fishing With Roland Martin</b>
7:30 PM	<b>Fishing With Roland Martin</b>
<b>Friday Night</b>	
8:00 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
8:30 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
9:00 PM	<b>City Limits Fishing</b>
9:30 PM	<b>City Limits Fishing</b>
10:00 PM	<b>The Best and Worst of Tred Barta</b>

10:30 PM	<b>The Best and Worst of Tred Barta</b>
11:00 PM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
11:30 PM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
<b>Saturday March 27</b>	
12:00 AM	<b>City Limits Fishing</b>
12:30 AM	<b>City Limits Fishing</b>
1:00 AM	<b>The Best and Worst of Tred Barta</b>
1:30 AM	<b>The Best and Worst of Tred Barta</b>
2:00 AM	<b>Fishing With Roland Martin</b>
2:30 AM	<b>Fishing With Roland Martin</b>
3:00 AM	<b><del>Paid Programming</del></b>
3:30 AM	<b>Insane Sexy Bodies!</b> The extreme home workout.
4:00 AM	<b>Majesty Outdoors</b>
4:30 AM	<b>Quest for the One</b>
5:00 AM	<b>City Limits Fishing</b>
5:30 AM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
6:00 AM	<b><del>Paid Programming</del></b>
6:30 AM	<b><del>Paid Programming</del></b>
7:00 AM	<b>Hook-N-Look</b>
7:30 AM	<b>Outdoors in the Heartland</b>
8:00 AM	<b>Into the Blue</b>
8:30 AM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
9:00 AM	<b>Fishing With Roland Martin</b>
9:30 AM	<b>Bill Dance Outdoors</b>
10:00 AM	<b>Lindner's Angling Edge</b> Fishing in the Great Lakes and Ontario.
10:30 AM	<b>The Bass Pros</b>
11:00 AM	<b>Hank Parker's Outdoor Magazine</b>
11:30 AM	<b>One More Cast With Shaw Grigsby</b>
12:00 PM	<b>Saltwater Experience</b>
12:30 PM	<b>Sport Fishing Magazine</b>
1:00 PM	<b>Americana Outdoors</b>
1:30 PM	<b>Fishing University</b>
2:00 PM	<b>Bill Dance Outdoors</b>
2:30 PM	<b>Whacked Out Sports</b>
3:00 PM	<b>2010 World's Best 10k</b>
3:30 PM	<b>Sports Soup</b> Highlights sports news stories.
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>World Extreme Cagefighting</b>
7:00 PM	<b>Bull Riding</b> From Fresno, Calif.
<b>Saturday Night</b>	
8:00 PM	<b>Bull Riding LIVE</b> From Albuquerque, N.M.
10:00 PM	<b>Whacked Out Sports</b>
10:30 PM	<b>Whacked Out Sports</b>
11:00 PM	<b>NBA D-League Basketball</b>
<b>Sunday March 28</b>	
1:00 AM	<b>Bull Riding</b> From Albuquerque, N.M.
3:00 AM	<b><del>Paid Programming</del></b>
3:30 AM	<b><del>Paid Programming</del></b>
4:00 AM	<b>City Limits Fishing</b>
4:30 AM	<b>The Best and Worst of Tred Barta</b>
5:00 AM	<b><del>Paid Programming</del></b>
5:30 AM	<b>Get Ripped in 90 Days</b> Total body transformation in 90 days!
6:00 AM	<b>Debt Cures 2 A ``Free Money'' book!</b>
6:30 AM	<b>Insane Sexy Bodies!</b> The extreme home workout.
7:00 AM	<b>Camo Life</b> With David and Tina Peavey.
7:30 AM	<b>Hank Parker's Outdoor Magazine</b>

8:00 AM	Deer Gear
8:30 AM	Safari Hunter's Journal Variety of African hunts.
9:00 AM	Real Hunting
9:30 AM	Escape to the Wild
10:00 AM	Quest for the One
10:30 AM	North to Alaska
11:00 AM	Babe Winkelman's Outdoor Secrets
11:30 AM	North American Fisherman
12:00 PM	One More Cast With Shaw Grigsby
12:30 PM	City Limits Fishing
1:00 PM	The Best and Worst of Tred Barta
1:30 PM	Bill Dance Outdoors
2:00 PM	North American Fisherman
2:30 PM	Cycling
4:00 PM	Snocross World Championship
5:00 PM	Sports Soup Highlights sports news stories.
5:30 PM	Whacked Out Sports
6:00 PM	Skiing
7:00 PM	Whacked Out Sports
7:30 PM	Whacked Out Sports
Sunday Night	
8:00 PM	Bull Riding From Albuquerque, N.M.
10:00 PM	Bucked
10:30 PM	Bucked
11:00 PM	Bull Riding From Albuquerque, N.M.
Monday March 29	
1:00 AM	Bucked
1:30 AM	Bucked
2:00 AM	Whacked Out Sports
2:30 AM	Whacked Out Sports
3:00 AM	Get Ripped in 90 Days Total body transformation in 90 days!
3:30 AM	Paid Programming
4:00 AM	North to Alaska
4:30 AM	Fishing With Roland Martin
5:00 AM	Profit in Your Town
5:30 AM	Food Lovers Fat Loss - Eat All Your Favorite Foods & Still Lose Weight Eat your favorite foods & lose weight!
6:00 AM	Paid Programming
6:30 AM	Paid Programming
7:00 AM	Hook-N-Look
7:30 AM	GillzNFinz Fishing spotlight.
8:00 AM	Paid Programming
8:30 AM	Hank Parker's Outdoor Magazine
9:00 AM	Paid Programming
9:30 AM	Sports Soup Highlights sports news stories.
10:00 AM	Sports Jobs With Junior Seau
10:30 AM	The Best and Worst of Tred Barta
11:00 AM	City Limits Fishing
11:30 AM	Americana Outdoors
12:00 PM	Paid Programming
12:30 PM	Escape to the Wild
1:00 PM	Seasons on the Fly
1:30 PM	Jimmy Houston Outdoors
2:00 PM	Bill Dance Outdoors
2:30 PM	Paid Programming
3:00 PM	Babe Winkelman's Outdoor Secrets
3:30 PM	Whacked Out Sports
4:00 PM	Cycling



5:00 PM	<b>Sports Soup</b> Highlights sports news stories.
5:30 PM	<b>Whacked Out Sports</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>NHL Hockey LIVE</b>
<b>Monday Night</b>	
9:30 PM	<b>Hockey Central LIVE</b> Recap and analysis of the game.
10:00 PM	<b>Ultimate Fighting Championship</b>
<b>Tuesday March 30</b>	
12:00 AM	<b>Sports Jobs With Junior Seau</b>
12:30 AM	<b>Sports Jobs With Junior Seau</b>
1:00 AM	<b>World Extreme Cagefighting</b>
3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>Hunt for Big Fish</b> With Larry Dahlberg.
4:30 AM	<b>Quest for the One</b>
5:00 AM	<b>Pacific Expeditions</b>
5:30 AM	<b>The Best and Worst of Tred Barta</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Babe Winkelman's Outdoor Secrets</b>
7:30 AM	<b>North American Fisherman</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Scott Martin Challenge</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Lindner's Angling Edge</b> Fishing in the Great Lakes and Ontario.
10:00 AM	<b>Scott Martin Challenge</b>
10:30 AM	<b>Saltwater Experience</b>
11:00 AM	<b>Fishing With Roland Martin</b>
11:30 AM	<b>Bill Dance Outdoors</b>
12:00 PM	<b>Paid Programming</b>
12:30 PM	<b>Sports Jobs With Junior Seau</b>
1:00 PM	<b>The Next Bite</b>
1:30 PM	<b>North American Fisherman</b>
2:00 PM	<b>The Bass Pros</b>
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>GillzNFinz</b> Fishing spotlight.
3:30 PM	<b>Whacked Out Sports</b>
4:00 PM	<b>Skiing</b>
5:00 PM	<b>Whacked Out Sports</b>
5:30 PM	<b>2010 World's Best 10k</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>Hockey Central LIVE</b> Recap and analysis of the game.
<b>Tuesday Night</b>	
8:00 PM	<b>NHL Hockey LIVE</b>
10:30 PM	<b>Hockey Central LIVE</b> Recap and analysis of the game.
11:00 PM	<b>Sports Soup</b> Highlights sports news stories.
11:30 PM	<b>Whacked Out Sports</b>
<b>Wednesday March 31</b>	
12:00 AM	<b>World Extreme Cagefighting</b>
2:00 AM	<b>Sports Soup</b> Highlights sports news stories.
2:30 AM	<b>Whacked Out Sports</b>
3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>

4:00 AM	<b>Hank Parker's Outdoor Magazine</b>
4:30 AM	<b>The Best and Worst of Tred Barta</b>
5:00 AM	<b>Dangerous Game</b>
5:30 AM	<b>Escape to the Wild</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Scott Martin Challenge</b>
7:30 AM	<b>Seasons on the Fly</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Hook-N-Look</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Camo Life With David and Tina Peavey.</b>
10:00 AM	<b>Jimmy Houston Outdoors</b>
10:30 AM	<b>The Best and Worst of Tred Barta</b>
11:00 AM	<b>Real Hunting</b>
11:30 AM	<b>Safari Hunter's Journal Variety of African hunts.</b>
12:00 PM	<b>Paid Programming</b>
12:30 PM	<b>City Limits Fishing</b>
1:00 PM	<b>Campbell Outdoor Challenge Teams film hunts across America.</b>
2:00 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>Hank Parker's Outdoor Magazine</b>
3:30 PM	<b>Whacked Out Sports</b>
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Sports Soup Highlights sports news stories.</b>
5:00 PM	<b>Whacked Out Sports</b>
5:30 PM	<b>BMX Racing</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>Whacked Out Sports</b>
<b>Wednesday Night</b>	
8:00 PM	<b>WEC WreckCage</b>
9:00 PM	<b>World Extreme Cagefighting</b>
11:00 PM	<b>Poker2Nite</b>
11:30 PM	<b>Whacked Out Sports</b>
<b>Thursday April 1</b>	
12:00 AM	<b>World Extreme Cagefighting</b>
2:00 AM	<b>WEC WreckCage Highlights of WEC events.</b>
3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>North American Fisherman</b>
4:30 AM	<b>Lindner's Angling Edge Fishing in the Great Lakes and Ontario.</b>
5:00 AM	<b>Fishing With Roland Martin</b>
5:30 AM	<b>City Limits Fishing</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Huntin' With the Judge Hunting and fishing.</b>
7:30 AM	<b>O'Neill Outside</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>Jimmy Houston Outdoors</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Babe Winkelman's Outdoor Secrets</b>
10:00 AM	<b>Into the Blue</b>
10:30 AM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
11:00 AM	<b>Sport Fishing TV</b>
11:30 AM	<b>Saltwater Experience</b>

12:00 PM	<b>Paid Programming</b>
12:30 PM	<b>Real Hunting</b>
1:00 PM	<b>GillzNFinz</b> Fishing spotlight.
1:30 PM	<b>O'Neill Outside</b>
2:00 PM	<b>Escape to the Wild</b>
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>Scott Martin Challenge</b>
3:30 PM	<b>Whacked Out Sports</b>
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>Sports Jobs With Junior Seau</b>
5:30 PM	<b>Whacked Out Sports</b>
6:00 PM	<b>Whacked Out Sports</b>
6:30 PM	<b>Whacked Out Sports</b>
7:00 PM	<b>Whacked Out Sports</b>
7:30 PM	<b>Whacked Out Sports</b>
<b>Thursday Night</b>	
8:00 PM	<b>To Be Announced</b>
10:00 PM	<b>Sports Soup</b> Highlights sports news stories.
10:30 PM	<b>Whacked Out Sports</b>
11:00 PM	<b>To Be Announced</b>
<b>Friday April 2</b>	
1:00 AM	<b>Sports Jobs With Junior Seau</b>
1:30 AM	<b>Sports Soup</b> Highlights sports news stories.
2:00 AM	<b>Whacked Out Sports</b>
2:30 AM	<b>Whacked Out Sports</b>
3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>Deer Gear</b>
4:30 AM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
5:00 AM	<b>The Best and Worst of Tred Barta</b>
5:30 AM	<b>North to Alaska</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>O'Neill Outside</b>
7:30 AM	<b>Outdoors in the Heartland</b>
8:00 AM	<b>Paid Programming</b>
8:30 AM	<b>The Next Bite</b>
9:00 AM	<b>Paid Programming</b>
9:30 AM	<b>Majesty Outdoors</b>
10:00 AM	<b>North American Fisherman</b>
10:30 AM	<b>Fishing University</b>
11:00 AM	<b>Bill Dance Outdoors</b>
11:30 AM	<b>The Bass Pros</b>
12:00 PM	<b>Paid Programming</b>
12:30 PM	<b>North to Alaska</b>
1:00 PM	<b>North American Fisherman</b>
1:30 PM	<b>Babe Winkelman's Outdoor Secrets</b>
2:00 PM	<b>Fishing With Roland Martin</b>
2:30 PM	<b>Paid Programming</b>
3:00 PM	<b>Hook-N-Look</b>
3:30 PM	<b>Sport Fishing TV</b>
4:00 PM	<b>Saltwater Experience</b>
4:30 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
5:00 PM	<b>City Limits Fishing</b>
5:30 PM	<b>Poker2Nite</b>
6:00 PM	<b>Quest for the One</b>

6:30 PM	<b>Quest for the One</b>
7:00 PM	<b>North to Alaska</b>
7:30 PM	<b>North to Alaska</b>
<b>Friday Night</b>	
8:00 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
8:30 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
9:00 PM	<b>City Limits Fishing</b>
9:30 PM	<b>City Limits Fishing</b>
10:00 PM	<b>The Best and Worst of Tred Barta</b>
10:30 PM	<b>The Best and Worst of Tred Barta</b>
11:00 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
11:30 PM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
<b>Saturday April 3</b>	
12:00 AM	<b>City Limits Fishing</b>
12:30 AM	<b>City Limits Fishing</b>
1:00 AM	<b>The Best and Worst of Tred Barta</b>
1:30 AM	<b>The Best and Worst of Tred Barta</b>
2:00 AM	<b>North to Alaska</b>
2:30 AM	<b>North to Alaska</b>
3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>Majesty Outdoors</b>
4:30 AM	<b>Quest for the One</b>
5:00 AM	<b>City Limits Fishing</b>
5:30 AM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Hook-N-Look</b>
7:30 AM	<b>Outdoors in the Heartland</b>
8:00 AM	<b>Into the Blue</b>
8:30 AM	<b>Hunt for Big Fish With Larry Dahlberg.</b>
9:00 AM	<b>Fishing With Roland Martin</b>
9:30 AM	<b>Bill Dance Outdoors</b>
10:00 AM	<b>Lindner's Angling Edge Fishing in the Great Lakes and Ontario.</b>
10:30 AM	<b>The Bass Pros</b>
11:00 AM	<b>Hank Parker's Outdoor Magazine</b>
11:30 AM	<b>One More Cast With Shaw Grigsby</b>
12:00 PM	<b>Saltwater Experience</b>
12:30 PM	<b>Sport Fishing Magazine</b>
1:00 PM	<b>Americana Outdoors</b>
1:30 PM	<b>Fishing University</b>
2:00 PM	<b>Bill Dance Outdoors</b>
2:30 PM	<b>Whacked Out Sports</b>
3:00 PM	<b>To Be Announced</b>
3:30 PM	<b>Sports Soup Highlights sports news stories.</b>
4:00 PM	<b>Whacked Out Sports</b>
4:30 PM	<b>Whacked Out Sports</b>
5:00 PM	<b>To Be Announced</b>
7:00 PM	<b>Bull Riding</b>
<b>Saturday Night</b>	
8:00 PM	<b>Bull Riding LIVE From New Orleans.</b>
10:00 PM	<b>Whacked Out Sports</b>
10:30 PM	<b>Whacked Out Sports</b>
11:00 PM	<b>NBA D-League Basketball</b>
<b>Sunday April 4</b>	
1:00 AM	<b>Bull Riding From New Orleans.</b>

3:00 AM	<b>Paid Programming</b>
3:30 AM	<b>Paid Programming</b>
4:00 AM	<b>City Limits Fishing</b>
4:30 AM	<b>The Best and Worst of Tred Barta</b>
5:00 AM	<b>Paid Programming</b>
5:30 AM	<b>Paid Programming</b>
6:00 AM	<b>Paid Programming</b>
6:30 AM	<b>Paid Programming</b>
7:00 AM	<b>Camo Life With David and Tina Peavey.</b>
7:30 AM	<b>Hank Parker's Outdoor Magazine</b>
8:00 AM	<b>Deer Gear</b>
8:30 AM	<b>Safari Hunter's Journal</b> Variety of African hunts.
9:00 AM	<b>Real Hunting</b>
9:30 AM	<b>Escape to the Wild</b>
10:00 AM	<b>Quest for the One</b>
10:30 AM	<b>North to Alaska</b>
11:00 AM	<b>Babe Winkelman's Outdoor Secrets</b>
11:30 AM	<b>North American Fisherman</b>
12:00 PM	<b>One More Cast With Shaw Grigsby</b>
12:30 PM	<b>City Limits Fishing</b>